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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 81—Certification**

EMERGENCY AMENDMENT

19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities.
The department is amending subsections (5)(C) and (D).

PURPOSE: This amendment changes the point levels used in making determinations as to level of care.

EMERGENCY STATEMENT: The Department of Health and Senior Services, by regulation, must define the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. The Department of Health and Senior Services must implement House Bill 2010, 99th General Assembly, First Regular Session (2017), which appropriated funds for home and community-based services based on projected savings from an increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services. For the fiscal year that ends June 30, 2018, House Bill 2010 was predicated on projected budget savings of \$16,493,107 in general revenue and \$29,654,368 in associated federal funds, for a total budget savings of \$46,147,475. The department must take proactive action to

create an efficient and sustainable home and community-based services program which serves those of greatest need with available funding. This emergency amendment provides for an increase in the minimum level-of-care point count which qualifies individuals for intermediate and skilled nursing care and, derivatively, for home and community-based services from twenty-one (21) points to twenty-four (24) points. Since the level-of-care assessment is in increments of three (3) points, this amounts to an increase of one (1) step in calculating level of care. In order to realize the full budget savings contemplated by House Bill 2010, the increase in the level-of-care point count must be effective at the beginning of the fiscal year, i.e., July 1, 2017, or as soon as possible thereafter. This adjustment to the minimum level-of-care point count is necessary to ensure that payments for home and community-based services are in line with the funds appropriated for that purpose. If the funds appropriated for the payment of home and community-based services at any time become insufficient to pay the full amount of the payment, no further payment will be made through the Medicaid claims processing system. By this emergency amendment, the department adopts a solution to this funding issue within the means that taxpayers, through the General Assembly, have given the department. At any given time, there are approximately sixty – six thousand (66,000) elderly and disabled adults receiving home and community-based services. There are a total of approximately eight thousand (8,000) such recipients who, at the time of their last assessment, were assessed at twenty-one (21) points. During State Fiscal Year 2016, some three hundred seventy-one (371) persons who were assessed at only the twenty-one (21-) point count level entered intermediate and skilled nursing facilities at various times during the year. The continued availability of payment for home and community-based services to approximately fifty-eight thousand (58,000) senior Missourians who have been assessed at a level-of-care point count higher than twenty-one (21) points will ensure that quality home and community-based services will continue to be provided to these Medicaid recipients. This emergency amendment, that increases the minimum level-of-care point count from twenty-one (21) to twenty-four (24) points, will help to ensure that appropriated funds for home and community-based services will be available for those individuals with greater limitations on their activities of daily living. This emergency amendment must be implemented in a timely fashion to ensure that quality home and community-based services continue to be provided to those individuals with greater limitations on their activities of daily living. As a result, the Department of Health and Senior Services finds an immediate danger to public health, safety, and/or welfare, and a compelling governmental interest, which require emergency action. The department has a compelling government interest in providing continued services for those individuals with greater limitations on their activities of daily living. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Health and Senior Services believe this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 5, 2017, becomes effective July 15, 2017, and expires February 22, 2018.

(5) Assessed Needs Point Designations Requirements.

(C) For individuals seeking admission to a long-term care facility on or after July [1, 2005] 15, 2017, the applicant or recipient will be determined to be qualified for long-term care facility care if he or she is determined to need care with an assessed point level of [twenty-one (21)] **twenty-four (24)** points or above, using the assessment procedure as required in this rule.

(D) For individuals seeking admission to a long-term care facility on or after July [1, 2005] 15, 2017, an applicant with [eighteen

(18)] **twenty-one (21)** points or lower will be assessed as ineligible for Title XIX-funded long-term care in a long-term care facility, unless the applicant qualifies as otherwise provided in subsections[, (5)(E) and/or (F) of the rule.

*AUTHORITY: sections 192.006, [and 198.079, RSMo 2000 and 660.050,] 192.2000, and 198.079, RSMo [Supp. 2004] 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed July 5, 2017, effective July 15, 2017, expires Feb. 22, 2018. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo 2016.



Office of the Governor
State of Missouri

Proclamation

July 6, 2017

SPECIAL MESSAGE

TO ALL MEMBERS OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

WHEREAS, by my proclamation dated June 7, 2017, I convened the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

WHEREAS, it has come to my attention that additional extraordinary matters need to be considered during this Second Extra Session; and

WHEREAS, the said Second Extra Session of the General Assembly has convened in the City of Jefferson on June 12, 2017, pursuant to my call.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby amend the matters specifically designated in said Proclamation for consideration by the General Assembly as follows:

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specially designated and limited hereinafter as follows:

1. To amend section 197.200, RSMo, to define "Abortion Facility" or "Abortion Facilities;"

2. To amend section 197.200, RSMo, by deleting the portion of the definition of “ambulatory surgical center” that includes “any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month;”

3. To amend chapters 188, 191, 192, 197, and 595 so that each and every applicable section and subsection applies to “Abortion Facility” or “Abortion Facilities;”

4. To amend section 197.215, RSMo, to require that “Abortion Facilities” provide affirmative evidence that each person performing an abortion is a physician currently licensed to practice in Missouri;

5. To add a new subsection to § 197.225, RSMo, that authorizes the Department of Health and Senior Services to adopt rules, regulations, and standards regarding patient health and safety that apply to ambulatory surgical centers and, separately, that apply to “Abortion Facility” or “Abortion Facilities;”

6. To add a new subsection to § 197.225, RSMo, that requires “Abortion Facilities” to maintain a written protocol for managing medical emergencies and the transfer of patients requiring further emergency care to a hospital within a reasonable distance from the “Abortion Facility;”

7. To amend section 197.287, RSMo, to require that all “Abortion Facilities” comply with the requirements of said section by July 1, 2018;

8. To add a new subsection to § 197.230, RSMo, that requires the Department of Health and Senior Services to annually inspect every “Abortion Facility” for safety and compliance with state law and to establish the requirements of such inspections and to make reports of such inspections publicly available;

9. To amend the definition of “nosocomial infection” in section 192.665, RSMo, to be defined according to the definition established by the federal Centers for Disease Control and Prevention;

10. To add a new section to chapter 188 that preempts a political subdivision from enacting a law or policy that adversely affects the operations, speech, or legal rights of a person or entity due to that person or entity’s view on abortion; acknowledges those legal rights; and establishes judicial mechanisms to protect those legal rights;

11. To add a new subsection to § 188.021, RSMo, that requires “Abortion Facilities” to submit to the Department of Health and Senior Services their plans for dealing with complications resulting from certain abortions, to obtain approval from the Department of Health and Senior Services of these complication plans; and, further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing these plans;

12. To amend sections 188.027.9 and 188.039.6, RSMo, to define “qualified professional” as a physician who has referred the woman to the physician who is to perform the abortion, or to an advance practice registered nurse engaged in a collaborative practice agreement with the physician who is to perform the abortion, as provided for in section 334.104, RSMo;

13. To amend section 188.027, RSMo, to require that the physician performing the abortion inform the woman seeking an abortion of the medical risks associated with the proposed abortion method;

14. To amend sections 188.027 and 188.039, RSMo, to apply to “the referring physician;”

15. To add a new section to chapter 574 that prohibits a person, while working in an “Abortion Facility,” from knowingly ordering, requesting, or attempting to prevent medical personnel or emergency services personnel from providing care to a patient in accordance with ordinary standards of care for reasons unrelated to that patient’s health or welfare and to create the offense of interference with medical assistance;

16. To add a new subsection to § 188.075, RSMo, that allows the Attorney General of Missouri to have concurrent original jurisdiction throughout the State, along with each prosecuting attorney and circuit attorney within their respective jurisdictions, to prosecute violations of chapter 188, violations of any state law on the use of public funds for abortion, and violations of any state law that regulates an “Abortion Facility” or person performing or inducing abortion, including the offense of interference with medical assistance;

17. To amend section 188.047, RSMo, to modify the law relating to the requirement of pathological examinations and related reports, and further, to authorize the Department of Health and Senior Services to adopt rules, regulations, and standards governing such examinations and reports;

18. To add a new section to chapter 188 protecting employees who disclose violations of applicable federal or state law related to chapter 188, and, further, authorizing the Department of Health and Senior Services to adopt rules, regulations, and standards regarding the implementation of such policies;

19. To add an Emergency Clause to all legislation enacted by the Ninety-Ninth General Assembly of the State of Missouri in the Second Extra Session of the First Regular Session; and

20. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of July, 2017.



ATTEST:

A handwritten signature in black ink, appearing to read 'Eric R. Greitens', written over a horizontal line.

Eric R. Greitens
Governor

A handwritten signature in black ink, appearing to read 'John R. Ashcroft', written over a horizontal line.

John R. Ashcroft
Secretary of State

**EXECUTIVE ORDER
17-18**

WHEREAS, the Centers for Disease Control and Prevention has declared a national opioid epidemic, which poses a grave danger to Missouri; and

WHEREAS, Missouri is facing a public health crisis of epidemic proportions from the unlawful distribution and misuse of opioids (“Opioid Public Health Crisis”); and

WHEREAS, one cause of Missouri’s Opioid Public Health Crisis is the overabundance of prescription opioids, with evidence showing that at least half of opioid overdose deaths involve prescription opioids. In Missouri, there are approximately 89,000 prescriptions for narcotics for every 100,000 Missourians; and

WHEREAS, Missouri’s Opioid Public Health Crisis is impacting Missouri families and communities every day. It is estimated that two Missourians die from narcotic overdose and two babies are born with narcotic withdrawal every day somewhere in Missouri; and

WHEREAS, in 2016, more than 900 Missourians died from an opioid overdose; and

WHEREAS, deaths that are the result of opioid overdose are preventable; and

WHEREAS, Missouri’s Opioid Public Health Crisis is overwhelming law enforcement, health care, and social services providers; and

WHEREAS, Missouri is the only State in the country that does not have a system to monitor prescription drug activity; and

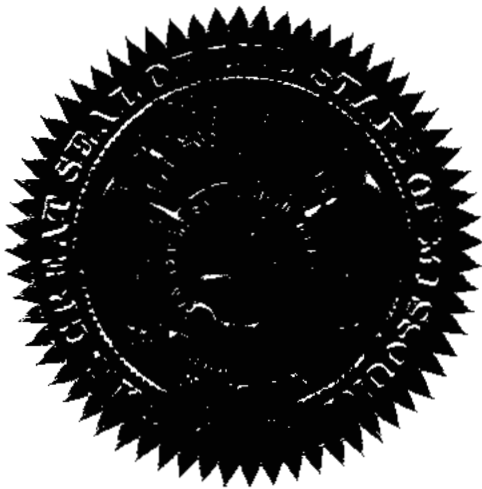
WHEREAS, despite Missouri’s Opioid Public Health Crisis, the 99th General Assembly failed to pass legislation instituting a prescription drug monitoring program; and

WHEREAS, Missouri’s Opioid Public Health Crisis necessitates the marshalling of all appropriate resources to combat the harmful effects of opioids on Missouri families and communities.

NOW THEREFORE, I, ERIC R. GREITENS, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby declare, order, and direct the following:

1. The Department of Health and Senior Services (“DHSS”) shall implement a multi-phase prescription drug monitoring program (“PDMP”).
2. To implement the first phase of the PDMP, DHSS shall enter into contracts with pharmacy benefit management organizations to analyze prescriber and pharmacy prescription and dispensing data for schedule II-IV controlled substances, which includes opioids.
 - a. DHSS shall use the analyses for the purpose of identifying activity indicating that controlled substances are being inappropriately prescribed, dispensed, or obtained; investigating such activity; and making referrals regarding such activity to appropriate government officials, including law enforcement and professional licensing boards.

- b. Prescription and dispensation information received by DHSS shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.
3. For the second phase of the PDMP, DHSS shall promulgate a rule pursuant to Chapter 195, RSMo, requiring dispensers to submit controlled substance prescription and dispensation information to DHSS or its designee for the purpose of identifying activity indicating that controlled substances are being inappropriately obtained, prescribed, or dispensed; investigating such activity; and making referrals regarding such activity to appropriate government officials, including law enforcement and professional licensing boards. Prescription and dispensation information shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.
4. Finally, DHSS shall work with private companies, government entities, or others to purchase and utilize innovative technology and software to effectively and efficiently monitor controlled substance prescription information sent to DHSS or its designee under a prescription drug monitoring program. Prescription and dispensation information shall be confidential and shall be disclosed only as provided by section 195.042, RSMo.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 17th day of July, 2017.

Eric R. Greitens
Governor

ATTEST:

John R. Ashcroft
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.011 Definitions. The commission is amending section (1), deleting subsections (1)(C)–(E) and (G)–(L), and re-lettering as necessary.

PURPOSE: *This amendment removes several definitions and identifies the new 4 CSR 240-127 where the existing definitions have been placed.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or*

expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

(B) Alteration means the replacement, addition, modification, or removal after a certification label has been affixed of any components for which the [code] **commission rules** includes a criterion; and

[(C) Certification label or label means the approved form of certification that, under 24 CFR section 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States;

(D) Certified new manufactured home means a new manufactured home to which a certification label has been affixed;

(E) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;]

[(F)](C) Federal standards means the federal manufactured home construction and safety standards promulgated under [Section 604 of the Act (42 U.S.C. 5403)];.

[(G) HUD means the United States Department of Housing and Urban Development;

(H) HUD regulations means the rules promulgated by the secretary of HUD under Section 625 of the Act (42 U.S.C. 5424);

(I) New home means a manufactured home which has not been sold at retail or rented, leased or occupied as a dwelling or a place of business;

(J) State administrative agency means an agency of a state which has been approved or conditionally approved to carry out a state plan for enforcement of the federal standards under Section 623 of the Act (42 U.S.C. 5422);

(K) State plan means the procedure by which a state administrative agency proposes to cooperate with the secretary of HUD in the administration and enforcement of the federal standards; and

(L) State plan application means the application of a state agency to be approved by the secretary of HUD as a state administrative agency.]

AUTHORITY: section 700.040, RSMo [2000] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information*

system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.031 Administration and Enforcement. The commission is deleting section (1) and adding new sections (1) and (2).

PURPOSE: This amendment modifies the duties and responsibilities of the manager of the Missouri Public Service Commission's Manufactured Housing and Modular Units Program.

[(1) The commission's powers and responsibilities under Chapter 700, RSMo with respect to new manufactured homes, except the power to revoke, deny, refuse to renew or place on probation a registration under section 700.090, RSMo, are delegated to the director.]

(1) The following commission powers and responsibilities under Chapter 700, RSMo are delegated to the manager:

- (A) The issuance of notices of annual registration;**
- (B) The processing of annual registrations;**
- (C) The development and implementation of inspection processes;**
- (D) The issuance of seals;**
- (E) Daily monitoring and administration of reasonable fees which are sufficient to cover all costs incurred in the administration of Chapter 700, RSMo; and**
- (F) Consumer complaint handling and remedial actions up to and including the dispute resolution process of section 700.689, RSMo.**

(2) The following commission powers and responsibilities under Chapter 700, RSMo are not delegated to the manager:

- (A) Establishing, changing, or eliminating the amount of fees for seals or inspections, or both;**
- (B) Denying, refusing to renew, suspending, revoking, or placing on probation a registration for any reason under provisions of this rule; and**
- (C) Other duties as outlined under Chapter 700, RSMo or these rules not specifically delegated.**

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.060 Inspections. The commission is amending the purpose, section (1), and adding new section (2).

PURPOSE: This amendment modifies the procedures related to inspection by the manager of the Missouri Public Service Commission's Manufactured Housing and Modular Units Program.

PURPOSE: This rule sets forth the extent to which the books, records, inventory, and premises of manufacturers and dealers of new manufactured homes are subject to inspections by the [director] manager.

(1) The books, records, inventory, and premises of manufacturers and dealers of new manufactured homes, from time-to-time during normal business hours, shall be subject to an inspection by the [director] manager to ascertain if a manufacturer or dealer is complying with Chapter 700, RSMo as it relates to new manufactured homes, this chapter, the federal standards and the Housing and Urban Development regulations and also to ascertain if grounds exist under section 700.100, RSMo to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo or to refuse to renew [or to suspend], suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

(2) A dealer shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible, otherwise at its principal office for no less than five (5) years.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities. The commission is amending and renumbering sections (1)–(5).

PURPOSE: *This amendment modifies the requirements related to proper initial setup of new manufactured homes by dealers, modifies the property locator reporting deadlines, provides additional detail regarding the notification of inspections, and provides a waiver of applicable fees for good cause shown.*

(1) Manufactured Home Dealer Setup.

[(1)](A) A dealer who sells a new manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

[(2)](B) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with *[the code]* 24 CFR section 3285 and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(C) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending, revoking, or placing the registration on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection, of setup deficiencies and initiates action to discipline the registration within two (2) years after the delivery date of a new manufactured home.

(D) The manager shall assess a two hundred dollar (\$200) inspection fee to dealers that fail to hire commission licensed

installers to set up a home and shall open an investigation of installations of manufactured homes sold by the dealer to ensure compliance with commission rules.

[(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.]

[(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale, subject to the following, effective the first day of the month after the effective date of this amendment:]

(2) Manufactured Home Inspections.

(A) A dealer who sells a new manufactured home shall submit to the manufactured housing and modular units program a property locator indicating the destination of the home within five (5) business days of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission.

1. The manager shall assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

[(A)](B) The *[director]* manager will have a period of no more than one (1) year from the *[date the home is installed]* delivery date of the home to the consumer to conduct the initial inspection of the home setup[;].

[(B)](C) *[After the one (1) year period has passed and w/]*Within two (2) years of the delivery date of the home to the consumer, the *[director]* manager may conduct an inspection of the home for *[setup and]* code violations upon the receipt of a formal written complaint by the consumer[;].

[(C)] Dealers shall submit to the commission a property locator indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission;

(D) The commission may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator by the due date.

(E) The commission shall assess a two hundred dollar (\$200) inspection fee to dealers who hire unlicensed installers to set up a home.]

(D) A copy of an inspection report from a routine inspection of the setup of a manufactured home, which does not arise from a consumer complaint, shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection. Should an inspection occur as a result of a consumer complaint, copies of the inspection

report will be provided to the complainant, and shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection.

(E) Should an initial inspection identify no code violations, or any re-inspection verify corrections have been made to address code violations identified on an initial inspection report, the manager shall issue a notice of completion indicating no outstanding issues remain to be addressed. Such notice shall be issued to each responsible entity. A complainant shall also be issued a notice of completion should an initial inspection occur subsequent to a consumer complaint. Such notice shall be issued within twenty (20) days from the date of the final inspection or re-inspection. This notice is intended to notify parties when the manager has completed an inspection process, and will not serve to indemnify any responsible party from any future liability.

(F) The manager shall submit to the commission any written request for a waiver of fees identified in this subsection, and the commission may grant such a waiver for good cause shown.

[(5)](3) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo., and shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible; otherwise at its principal office.]

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities twenty-three thousand four hundred dollars (\$23,400) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 120 – New Manufactured Homes

Rule Number and Title:	4 CSR 240-120.065 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
156 (annually)	Regulated dealers of new manufactured homes	\$23,400.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a fee for failure to report a property locator within forty-eight (48) hours of a manufactured home leaving a dealer or manufacturers' location in route to a consumer. Looking back on three recent months, the Manager estimates that had the commission exercised its authority to assess a penalty for failure to report a property locator against those regulated parties who failed to report or reported beyond the deadline for the months of December 2015, January 2016, and February 2016, regulated parties are exposed to \$2,650 of liability. Multiplied over a year, the rule in its current form creates nearly \$10,600 of liabilities for regulated parties; projected over three years, is nearly \$32,000 in fees.

The Program in the past has not assessed the fee. However, non-assessment of fees has resulted in non-compliance with the rule. To strike a balance, the manager has proposed changes to the rule that expand the compliance dates by three (3) business days, extends the penalty dates by eight (8) business days.

The Program Manager reviewed the property locator reports relating to Manufactured Homes for the most recent three months of data and applied the proposed terms in the application of the property locator and found the following estimated private fiscal impacts:

December 2015: 7 of 73 property locators were filed after the filing deadline, or approximately 9%.

January 2016: 25 of 51 property locators were filed after the filing deadline, or approximately 49%.

February 2016: 7 of 45 property locators were filed after the filing deadline, or approximately 15%.

Multiplying the number of incidents estimated to incur the proposed fee by four (4) estimates an annual occurrence of incidents subject to the proposed fee to be 156 instances.

Our estimated aggregate cost is the sum of the estimated annual occurrence of incidents subject to the proposed fee (156) multiplied by the amount of the fee (\$50).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

December 2015 excludes two (2) late locator filings because they were found to have omitted required filing information.

January 2016 excludes eighteen (18) late locator filings because they were found to have omitted required filing information.

February 2016 excludes twelve (12) late locator filings because they were found to have omitted required filing information.

The estimate aggregate cost assumes that all violators pay the \$50 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.070 Manufacturers and Dealers Reports. The commission is amending the purpose and section (2) of this rule.

PURPOSE: This amendment modifies the provisions related to the information submitted monthly by manufacturers and dealers to the manager.

PURPOSE: This rule provides that manufacturers and dealers shall file reports with the secretary of Housing and Urban Development as may be required under Section 614 of the Act, 42 U.S.C. 5413 and with the [director] manager.

(2) Manufacturers shall mail or deliver to the [director] manager by the tenth day of each month a report which identifies the new manufactured homes by make, [style and identifying number] model, and serial number to which certification labels have been affixed since the previous report and the certification label number for each such manufactured home.

AUTHORITY: section 700.040, RSMo [1986] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.080 Commission Reports. The commission is

amending the purpose and section (1) of this rule.

PURPOSE: This amendment provides that the manager shall make reports to the secretary of Housing and Urban Development as required by the Housing and Urban Development regulations.

PURPOSE: This rule provides that the [director] manager shall make reports to the secretary of Housing and Urban Development as required by the Housing and Urban Development regulations.

(1) The [director] manager shall make reports to the secretary of Housing and Urban Development as required by 24 CFR section 3282.554.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 22, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.085 Re-Inspection and Re-inspection Fee. The commission is deleting sections (1), (2), (3), (5), (7), and (8), adding new sections (1), (2), (7), and (9), and renumbering as needed.

PURPOSE: This amendment modifies the procedure for the re-inspection of manufactured homes and third party requests for inspections, the fees associated with re-inspections pursuant to section 700.040, RSMo, and also provides that certain fees may be waived for good cause shown.

[(1) The commission may conduct as needed re-inspections of new manufactured homes to verify corrections have been

made as identified during the original inspection, where required corrections have not been completed by the dealer, installer, or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.]

[(2) The commission may assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections in a timely manner as required in section (1).]

(1) Re-inspections subsequent to routine inspections of new manufactured homes.

(A) The manager may conduct re-inspections of new manufactured homes to verify corrections have been made to address code violations identified on the initial routine inspection report.

(B) The manager shall not assess the dealer, installer, or the manufacturer, or each entity, a fee for the first re-inspection.

(C) The manager shall assess re-inspection fee(s) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections.

(2) Re-inspections subsequent to a consumer complaint.

(A) The manager may conduct re-inspections of new manufactured homes to determine if the required corrections have been completed by the dealer, installer, or manufacturer within sixty (60) days of the initial inspection.

(B) The manager shall assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee will not be charged to the dealer, installer, or the manufacturer who is responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of the initial inspection.

[(3) The commission will not assess a reinspection fee to the dealer, installer, or the manufacturer if it is found during the reinspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of Part 3280 of the Manufactured Home Construction and Safety Standards Code.]

*[(4)](3) The re-inspection shall address all violations listed in the [original consumer] initial inspection report. A copy of the re-inspection report shall be forwarded to the manufacturer, installer, or dealer, or each responsible entity, **within ten (10) days from the date of the re-inspection**, for corrective action as well as an invoice for the [reinspection] re-inspection fee, **if applicable**. A copy shall also be forwarded to the consumer, if applicable.*

[(5) The manufacturer, installer, and dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.]

*[(6)](4) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer, installer, and dealer shall submit, along with the fee, a written plan of action to be taken by each to correct any [statutory, rule, or code] **remaining** violations identified and, **unless otherwise approved by the manager**, corrections shall be completed within thirty (30) days of the re-inspection.*

[(7) The fee shall be implemented on all reinspections con-

ducted after the effective date of the rule.

(8) The commission shall send written notification to each licensed manufacturer, installer, and dealer giving the effective date of the rule.]

*[(9)](5) The fee shall be two hundred dollars (\$200) per re-inspection as outlined in **this section [(1)]** to be paid by the manufacturer, dealer, or installer responsible for making the correction as identified in the original inspection report. The fee shall be submitted with a form provided by the commission. *[The commission shall make the determination of who shall be assessed the fee.]**

*[(10)](6) The [commission] **manufactured housing and modular units program** shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections except third party inspection requests for the purpose of serial number verification will be charged two hundred dollars (\$200). Third party requests for inspections must be submitted in writing to the [commission] **manufactured housing and modular units program** and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.*

(7) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager shall file a complaint and the commission shall suspend manufacturer, installer, or dealer certificate or registration. The suspension shall last until the manufacturer, installer, or dealer pays all assessed fees and provides proof satisfactory to the manager that the conditions causing the re-inspection have been remedied or the commission takes action pursuant to section (8).

[(11)](8) The following situations shall constitute grounds for the denial, [suspension,] revocation, or placing on probation of a manufacturer, installer, or dealer certificate of registration:

[(A) Failure to pay the inspection fees within twenty (20) days of the prescribed due date;]

[(B)](A) Failure to pay [the] a re-inspection fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay [the] a re-inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(9) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities sixteen thousand eight hundred dollars (\$16,800) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional*

comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 120 – New Manufactured Homes

Rule Number and Title:	4 CSR 240-120.085 Re-Inspection and Re-inspection Fee
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28 (annually)	Regulated dealers of new manufactured homes, regulated manufacturers of new manufactured homes, and regulated installers of new manufactured homes.	\$16,800.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a two hundred dollar (\$200) inspection fee for re-inspections conducted on manufactured home to address violations discovered during an initial inspection. This fee has not been applied at the discretion of the manager. The amount of the fee proposed is the same amount currently applied in the existing rule. The proposed amendment seeks to apply the existing fee on a consistent basis by implementing more specific terms of its application.

The Program Manager reviewed its records relating to re-inspections performed on manufactured homes in 2015 and found the following:

In 2015, 352 manufactured homes were subject to inspection by the Manufactured Housing and Modular Units Program. 117 of those homes inspected were subject to re-inspection; 100 re-inspections were performed subsequent to routine inspections, and seventeen (17) re-inspections occurred subsequent to a consumer complaint.

Of the 117 total re-inspections performed, the proposed rule would impose fines in twenty-eight (28) circumstances; nineteen (19) fees would be applied to re-inspections performed subsequent to routine inspections, and nine (9) fees would be applied to re-inspections occurring subsequent to a consumer complaint.

Our estimated aggregate cost is the sum of the estimated circumstances substantiating fee assessment in 2015 (28) multiplied by the amount of the fee (\$200).

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$200 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.090 Inspection and Approval of Alterations. The commission is amending sections (1)–(4) of this rule and updating the form.

PURPOSE: This amendment sets forth the procedure by which commission approval of alterations made to certified new manufactured homes may be obtained.

(1) No certified new manufactured home which entered the first stage of production after November 22, 1976 on which an alteration has been made shall be rented, leased, or sold or offered for rent, lease, or sale in this state unless the alteration has been approved in writing by the *[director]* **manager**.

(2) *[Director]* **Manager** approval of alterations shall be requested by a written application executed on a form provided by the *[director]* **manager** upon request. Applications may be submitted only by the person or entity who owns the new manufactured home to which the alteration for which approval is sought has been made. To be complete, the applications shall include:

(B) The make, *[style and manufacturer's identifying number]* **model, and serial number** of the new manufactured home to which the alteration has been made;

(D) An affidavit of the applicant or the applicant's *[authorized representative]* **agent** if the applicant is a corporation, certifying that the alteration complies with the federal standards.

(3) Within *[eight (8)]* **fifteen (15)** working days *[after a]* **of receipt of complete application for alteration** has been received by the *[director]* **manager**, s/he shall inspect the alteration to determine if it complies with the federal standards. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested approval shall be issued within the required time *[if no basis for rejection is found on the face of the application]* **the application is found to comply with the provisions of this rule.**

(4) Written approval of an alteration or a written rejection or an application for the approval shall be issued by the *[director]* **manager** within *[ten (10)]* **fifteen (15)** working days after a complete application for written approval has been received by the *[director]* **manager**. A notice of rejection shall specify the reason for the rejection.

**Manufactured Housing Department
Missouri Public Service Commission
P[./O./.] Box 360
Jefferson City, MO 65102**

Application For Permission To Alter A Manufactured Home

Name & Address of Owner: _____

Manufacturer of Home: _____

Address: _____

Model of Home: _____

Serial Number: _____

HUD Label Number: _____
(if applicable)

Date of Manufacture: _____

Briefly describe the alteration you are seeking permission to make:
(attach additional sheet if necessary)

Note:

- 1) No certified new manufactured home which entered the first stage of production after November 22, 1976 on which an alteration has been made shall be offered for rent, lease, or sale in this state unless alteration has been approved in writing by the *[director]* **manager**.
- 2) Federal law requires that the dealer maintain complete records of all alterations made on a manufactured home originally manufactured in compliance with the federal Manufactured Home Construction and Safety Standards.
- 3) Manufacturer's written instructions, approval, or both, may be required to be submitted with this application.
- 4) An affidavit signed before a notary public indicating that the applicant will insure that all alterations will comply with the required code must accompany this application.
- 5) If applicant is a corporation, a written statement from a corporate officer indicating that the person filling out this application has actual authority to do so must accompany this application.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.100 Code. The commission is amending sections (1) and (2) of this rule.

PURPOSE: This amendment establishes the code for new manufactured homes and the standards for installation as the manufacturer's installation manual.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The federal standards as incorporated by reference in 24 CFR [Part] sections 3280, 3282, 3285, and 3286 constitute the code to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased, or sold or offered for rent, lease, or sale in this state.

(2) All new manufactured homes shall be set up or installed according to the manufacturer's installation [instructions] manual.

AUTHORITY: section 700.010, RSMo [1986] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.110 Complaints and Review of [Director] Manager Action(s). The commission is amending the title, purpose, and sections (1) and (2) of this rule.

PURPOSE: This amendment modifies the manner in which complaints may be filed and the procedure to request commission review of the decisions, directives, and interpretations of the manager.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives, and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo, as it relates to new manufactured homes and the manufacturer, dealer, or installer of new manufactured homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) [Commission review of the] Any person aggrieved by the manager's decisions, directives, and interpretations [of the director which relate to the code] of 24 CFR sections 3280, 3282, 3285, and 3286, this chapter or Chapter 700, RSMo as it relates to new manufactured homes, may [be obtained by filing] file a written

informal or formal complaint under 4 CSR 240-2.070. In such a complaint the [director] **manager** shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.120 Criteria for Good Moral Character for Registration of Manufactured Home Dealers. The commission is amending section (1) and adding section (3).

PURPOSE: This amendment establishes the procedure by which the manager will file a request with the commission requesting evaluation of the moral character of applicants requesting dealer registration.

(1) [Registration as a manufactured home dealer will be denied for lack of good moral character if] **The manager will file a request for review of the moral character of an applicant for registration as a manufactured home dealer if—**

(3) **If the commission finds an applicant lacks good moral character as outlined in subsection (1)(A) or (1)(B) of this rule, the commission shall deny the application for registration.**

AUTHORITY: section [700.455, RSMo Supp. 1987] 700.095, RSMo 2016. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending sections (1), (2), (5), and (8), deleting sections (3), (4), and (7), renumbering section (6), and adding new sections (6)–(11).

PURPOSE: This amendment modifies the information that registered manufactured home dealers shall file with the Missouri Public Service Commission, the form and manner of this filing, identifies new deadlines where actions may be taken against a dealers registration for failure to submit monthly sales reports, and provides a waiver for fees for good cause shown.

(1) Each person registered as a manufactured home dealer [must] **shall** file a monthly sales report with the [commission] **manufactured housing and modular unit program** no later than the tenth of the month following the month when the sales were made.

(2) [The report may be filed only upon] **Manufactured home dealers shall only use** the commission's form for monthly sales reports. This form may be obtained from the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102, **or at the website** http://psc.mo.gov/ManufacturedHousing/Dealer_Forms.

[(3) The director may reject all monthly sales reports that are incomplete and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(4) **Failure to submit a completed monthly report by the due date and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section**

700.090, RSMo.]

[(5)](3) A report must be filed for each month or part of a month for which the person is a registered manufactured home dealer. If no sales are made in a given month, the dealer must file the usual form no later than the tenth of the following month stating no sales were made.

[(6)](4) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither corporation nor a partnership.

[(7)] *The dealer shall maintain a copy of this report for records of the dealership.]*

[(8)](5) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state, and zip code;
- (C) The date of sale for each manufactured home sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number *[from the certificate of origin]* and **model number** for each unit sold;
- (H) Whether each unit sold is new or used;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units;
- (L) The total sale price for all used units; *[and]*
- (M) The name and license number of the installer of the new manufactured home (HUD homes).*]; and*
- (N) **The information in subsections (C) through (M) for each home sold in Missouri to be delivered out of state.**

(6) **The manager may reject monthly sales reports that are incomplete and require dealer's to submit corrected reports.**

(7) **The dealer shall maintain a copy of this report for the records of the dealership.**

(8) **A late submission fee of fifty dollars (\$50) shall be assessed against a manufactured home dealer for each monthly sales report filed sixty (60) days after the due date.**

(9) **The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.**

(10) **Failure to submit a completed monthly report within ninety (90) days of due date and/or to pay any required fees could result in revocation of the dealer's registration under section 700.098, RSMo.**

(11) **The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.**

AUTHORITY: section 700.040, RSMo [2000] 2016. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee. The commission is amending sections (2) and (3) and adding new sections (3) and (5).

PURPOSE: This amendment provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040, RSMo.

(2) Manufacturers of new manufactured homes shall remit to the *[director]* **manager** on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by thirty dollars (\$30). Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the twentieth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) **The commission may suspend the manufacturer's certificate of registration for failure to pay the inspection fee within thirty (30) days of the prescribed due date.**

[(3)](4) The following situations shall constitute grounds for the denial, *[suspension,]* revocation, or placing on probation of a manufacturer's certificate of registration:

[(A)] *Failure to pay the inspection fee within thirty (30) days of their prescribed due date;]*

[(B)](A) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(5) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

[(4)](6) The [director] manager shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to all existing registered manufacturers. The [director] manager shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo [2000] 2016. Emergency rule filed Jan. 24, 2003, effective Feb. 3, 2003, expired Aug. 1, 2003. Original rule filed Feb. 27, 2003, effective July 30, 2003. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.010 Definitions. The commission proposes amendments to section (1).

PURPOSE: This amendment modifies the definitions and terms used in this chapter and identifies 4 CSR 240-127 as containing applicable definitions.

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 shall apply to this chapter:

(A) Application means an application for a seal;

[(B)](B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo. Approved insignia also means a label or tag issued under 42 U.S.C. 5414;

(C) Director means the director of the Manufactured

Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision;

(D) Approved insignia means a label or tag issued by authority of 42 U.S.C. 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations; and

(E) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased or occupied either as a dwelling or a place of business.]

[(F)](B) Replacement seal means a seal which has been issued to replace a lost, mutilated, or otherwise unserviceable seal or approved insignia; and

[(G)](C) Seal as defined by section 700.010, RSMo includes replacement seal.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.020 Administration and Enforcement. The commission proposes amending section (1).

PURPOSE: This amendment changes the term "director" to "manager."

(1) The commission's powers and responsibilities under Chapter 700, RSMo with respect to pre-owned manufactured homes, except the power to revoke, deny, refuse to renew, or place on probation a registration under section 700.090, RSMo are delegated to the [director] manager.

AUTHORITY: section 700.040, RSMo [2000] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.030 Seals. The commission is amending sections (2), (3), (4), (5), (8), (10), and (11).

PURPOSE: This amendment clarifies terms used in this section.

(2) An application for a seal shall be submitted to the *[director] manager* and shall be executed by the person who owns the pre-owned mobile home to which the requested seal will be affixed. An application shall be executed on a form which shall be provided by the *[director] manager* upon delivery to him/her of a nonrefundable two dollar (\$2) fee. One (1) form may be used to apply for all seals required at a given time. To be complete, an application shall include:

(D) With respect to each pre-owned mobile home for which a seal is requested, a list of all parts and components for which the code includes a criterion which have been added, removed, replaced, or altered since the completion of production and which have not been approved in writing by the *[director] manager*.

(I) An affidavit of the applicant or the applicant's *[authorized representative] agent* if the applicant is a corporation, certifying that each pre-owned mobile home for which a seal is requested complies with the code which was in effect when it entered the first stage of production and that no parts or components for which the code includes a criterion will be added, removed, replaced, or altered after the application has been submitted; and

(J) A fee of eight dollars (\$8) for each seal requested. This fee is

refundable if a written request for refund is received by the *[director] manager* before the seal for which the fee was remitted has been issued.

(3) Within eight (8) working days after a complete application has been received by the *[director] manager*, the *[director] manager* shall inspect for code compliance each pre-owned mobile home for which a seal has been requested. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested seal shall be issued within the required time if no basis for rejection is found on the face of the application.

(4) The *[director] manager* is authorized to refuse to issue a seal under the following circumstances:

(B) If at the time of application the *[director] manager* has reason to believe that the applicant is failing to abide by this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes; and

(C) If the *[director] manager* has reason to believe that the seal will be placed on a unit which is not a pre-owned mobile home.

(5) A seal or a written refusal to issue a seal shall be issued by the *[director] manager* within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

(8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated, or otherwise unserviceable, a dealer shall provide written notice of that fact to the *[director] manager*.

(10) Seals and approved insignia may be removed by the *[director] manager* from any pre-owned mobile home which is found to be in violation of the code which was in effect when it entered the first stage of production.

(11) If the *[director] manager* removes a seal or approved insignia from a pre-owned mobile home, s/he shall provide written notice of that action to the owner of the home. This notice shall be mailed within five (5) working days of the removal and shall be sent by pre-paid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

(12) When a seal or approved insignia is removed by the *[director] manager*, s/he shall place a prohibited sale notice in the location specified in section (7) for the seal. The prohibited sale notice shall state that the rental, lease, or sale or the offering for rent, lease, or sale of the pre-owned mobile home to which the notice is attached is prohibited under section 700.015, RSMo. The prohibited sale notice shall also state that further information may be obtained from the *[director] manager*, whose name, address, and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition

to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises. The commission is amending section (1).

PURPOSE: This amendment changes the term "director" to "manager."

(1) The books, records, inventory and premises of a dealer, from time-to-time during normal business hours, shall be subject to an inspection by the [director] **manager** to ascertain if the dealer is complying with this chapter and Chapter 700, RSMo as it relates to pre-owned manufactured homes and also to ascertain if grounds exist under section 700.100, RSMo to reject an application for registration filed under section 700.090, RSMo or to refuse to renew or to suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

AUTHORITY: section 700.040, RSMo [2000] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri.

Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.050 Inspection of Pre-owned [Manufactured] Mobile Homes Rented, Leased, or Sold or Offered for Rent, Lease, or Sale by Persons Other Than Dealers. The commission is amending the rule title, the purpose, and sections (1) and (2).

PURPOSE: This amendment changes the term "director" to "manager."

PURPOSE: This rule sets forth the extent to which pre-owned [manufactured] **mobile** homes rented, leased, sold or offered for rent, lease, or sale by persons other than dealers are subject to inspection by the [director] **manager**.

(1) In order to determine if pre-owned mobile homes which are rented, leased, sold, or offered for rent, lease, or sale in this state by persons other than dealers comply with the code, these pre-owned mobile homes are subject to periodic inspection by the [director] **manager**.

(2) Inspections under this rule shall be conducted during normal business hours and upon twenty-four (24) hours' written notice to the occupants, if any, of the pre-owned mobile home to be inspected. Upon the [director's] **manager's** request, the owner of a pre-owned mobile home to be inspected shall furnish the name and address of the occupants of the pre-owned mobile home.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri.

Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.060 Complaints and Review of [Director] Manager Action. The commission is amending the rule title, the purpose, and section (2).

PURPOSE: This amendment changes the term “director” to “manager.”

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) Commission review of the decisions, directives and interpretations of the [director] manager which relate to the code, this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes, may be obtained by filing a written informal or formal complaint under 4 CSR 240-2.070. In such a complaint, the [director] manager shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission ques-

tions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending section (3).

PURPOSE: This amendment changes the term “director” to “manager.”

(3) The [director] manager may reject all monthly sales reports that are incomplete.

AUTHORITY: section [700.460, RSMo 1994] 700.095, RSMo 2016. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.010 Definitions. The commission is amending section

(1) of this rule.

PURPOSE: This amendment defines the terms used in this chapter and identifies 4 CSR 240-127 as containing relevant terms.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

(A) Application means an application for a seal;

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo 2000;

(C) Approved manufacturing program means a manufacturing program approved in writing by the director as conforming to the requirements of this chapter, the code and Chapter 700, RSMo 2000 as it relates to modular units;

(D) Code means the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the International Code Council, in its entirety, (for a copy of this 2006 publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795), the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(E) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(F) Insignia means the device which in other states is affixed to a modular unit to evidence compliance with state prescribed manufacturing and safety standards;

(G) Manufacturing program means a plan for manufacturing modular units which is comprised of at least a quality control manual and detailed plans for each type of modular unit to be manufactured under the program;

(H) Detailed plan means a detailed set of plans and specifications of each modular unit and manufacturer supplied component produced by a manufacturer;

(I) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational or industrial purposes. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final set up;

(J) Purchase agreement or bill of sale means a writing reflecting the terms of transfer of property between a dealer and the purchaser;

(K)(B) Replacement seal means a seal which has been issued to replace a lost, mutilated, or otherwise unserviceable seal or approved insignia; and

(L)(C) Seal as defined by section 700.010, RSMo [2000] includes replacement seal[;].

(M) Installation instructions means a detailed installation manual for the supporting, fastening, bolting of the floors, roof section(s), end walls, fastening down to foundation, electrical connections, water crossovers and any other such operation that will be needed to properly set up a modular unit.]

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct.

12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.020 Administration and Enforcement. The commission is amending section (1), adding new section (2), and renumbering as needed.

PURPOSE: This amendment modifies the duties and responsibilities delegated by the Missouri Public Service Commission to the manager of the Manufactured Housing and Modular Units Program.

(1) The [commission's] following commission powers and responsibilities under Chapter 700, RSMo [1986, with respect to modular units, except the power to revoke, deny refuse or renew or place on probation a registration under section 700.090, RSMo 1986,] are delegated to the [director.] manager:

(A) The issuance of notices of annual registration;

(B) The processing of annual registrations;

(C) The development and implementation of inspection processes;

(D) The issuance of seals;

(E) Approval of manufacturing programs consistent with the provisions of 4 CSR 240-123.040;

(F) Daily monitoring and administration of reasonable fees which are sufficient to cover all costs incurred in the administration of Chapter 700, RSMo; and

(G) Consumer complaint handling and remedial actions up to and including the dispute resolution process of section 700.689, RSMo.

(2) The following commission powers and responsibilities under Chapter 700, RSMo are the exclusive authority of the commission and not delegated to the manager:

(A) Establishing, changing, or eliminating the amount of fees for seals or inspections, or both;

(B) Denying, refusing to renew, suspending, revoking, or placing on probation a registration for any reason under section 700.090, RSMo; and

(C) Other duties as outlined under Chapter 700, RSMo or these rules not specifically delegated.

[(2)](3) Manufacturers shall be responsible for all necessary repairs due to nonconformance of standards regardless of their selling agent.

[(3)](4) The dealer or selling agent shall assume responsibility of repairs due to nonconformance of standards if the manufacturer either goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent.

[(4)](5) In the event the dealer [/] or selling agent either goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent, the manufacturer shall become responsible for arranging for the setup of the modular unit in accordance with the manufacturer's installation manual, unless the purchaser or his or her authorized agent has executed a written waiver of that service.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.030 Seals. The commission is amending sections

(2), (3), (4), (5), (6), (8), (10), (11), (12), and (13) of this rule.

PURPOSE: This amendment changes the term "director" to "manager", changes the term "authorized representative" to "agent", and defines where applications may be submitted.

(2) An application for a seal shall be submitted to the [director] **manager** and it shall be executed on a form which shall be provided by the [director] **manager**. One (1) form may be used to apply for all seals required at a given time.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's [authorized representative] **agent** if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's [authorized representative] **agent** if the applicant is a corporation, certifying that each requested seal will be affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold, or offered for rent, lease, or sale by the applicant. Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section; and

(4) The [director] **manager** is authorized to refuse to issue a seal under any of the following circumstances:

(B) If the [director] **manager** has not approved the applicant's manufacturing program;

(C) If the [director's] **manager's** approval of the applicant's manufacturing program has lapsed, expired, or been withdrawn **pursuant to 4 CSR 240-123.040**;

(D) If at the time of application the [director] **manager** has reason to believe that the applicant is failing to abide by Chapter 700, RSMo [2000];

(E) If the [director] **manager** has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

(5) A seal or a written refusal to issue a seal shall be issued by the [director] **manager** within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

(6) Seals shall be delivered by one (1) of the following methods:

(B) By delivery to an applicant in person [at the office of the secretary of the commission] **at the office of the commission's manufactured housing and modular units program**. Upon delivery of seals by this method, the applicant shall provide to the [secretary of the commission] **manager** a written acknowledgement of receipt.

(8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated, or otherwise unserviceable, a dealer or manufacturer shall provide written notice of such to the [director] **manager**.

(10) Seals and approved insignia may be removed by the [director] **manager** from any modular unit which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the [director] **manager** immediately if the approval is withdrawn by the [director] **manager**.

(11) If the [director] **manager** removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action

to the owner of the unit. The notice shall be mailed within *[five (5)] ten (10)* working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

(12) When a seal or approved insignia is removed by the *[director] manager*, s/he shall place a prohibited sale notice in the location specified for the seal in section (7) of this rule. A prohibited sale notice shall state that the rental, lease, or sale or the offering for rent, lease, or sale of the modular unit to which the notice is attached is prohibited under section 700.015, RSMo *[2000]*. The prohibited sale notice shall also state that further information may be obtained from the *[director] manager*, whose name, address, and telephone number shall be listed **on the notice**. A copy of the prohibited sale notice shall be *[filed with the commission]* **on file in the office of the manufactured housing and modular units program of the commission**.

(13) The *[director] manager* may issue a seal to any registered dealer or owner who has acquired a pre-owned modular unit without a seal, if proof is submitted to the *[director] manager* that the unit meets the requirements of the existing *[code as adopted]* **International Building Code (IBC) or International Residential Code (IRC) as recognized** by the commission pursuant to section 700.021, RSMo. Proof may include verification that the unit meets the applicable code from an approved third party inspection agency or other entity approved by the commission. The dealer or owner must make any changes required to bring the unit into compliance with the applicable code. The *[director] manager* may issue a seal *[if]* **once** all the requirements of Chapters 700 and 123, RSMo are met, required inspections are completed and the applicable seal fee is submitted.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.040 Approval of Manufacturing Programs. The commission is amending sections (1), (2), (3), (4), (7), (9), and (11), deleting sections (5) and (8), and adding new sections (5) and (8).

PURPOSE: This amendment modifies the procedure under which a manufacturing program may be approved, the circumstances under which an approval of a manufacturing program will lapse, expire or be withdrawn, and changes the term "director" to "manager."

(1) To have a manufacturing program considered for approval, the manufacturer who will use the program for which approval is sought shall submit the following information, documents, and material to the *[director] manager*:

(A) The **legal** name and address of the manufacturer who will use the program;

[(B) If the manufacturer who will use the program is a corporation, a copy of the corporation's articles of incorporation, bylaws and most recent annual registration filed under section 351.120, RSMo along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so. As long as the original documents remain unchanged an applicant who has once submitted such copies shall not be required to resubmit them with subsequent requests for approval of a manufacturing program;]

(B) A brief description of the legal organization of the manufacturer who will use the program, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization;

(C) If manufacturer is a Missouri corporation, a Certificate of Good Standing from the secretary of state and a copy of the corporation's articles of incorporation and bylaws;

(D) If manufacturer does business under a fictitious name, a copy of the fictitious name registration filed with the secretary of state;

(E) If manufacturer has submitted the applicable information as set forth in subsections (1)(C) and (D) of this rule in a previous request for approval of manufacturing program, a statement that the information was previously submitted and the status remains unchanged;

(F) If the information in subsections (1)(C) and (D) above is not available, or not applicable, a statement as to the reason the information is not submitted. The manager, in consult with commission legal counsel, shall determine if the request for approval can be processed without the required information;

[(C)](G) The make and *[style]* model of the modular units which will be produced under the manufacturing program;

[(D)](H) The earliest date on which production will begin under the manufacturing program;

[(E)](I) One (1) copy of the quality control manual under which the manufacturing program will be implemented. The manual shall at least include a description which is sufficient to demonstrate compliance with the *[code]* **applicable code(s)** for every procedure relating to the manufacturing of modular units for which the code contains a requirement;

[(F)](J) Third party inspection for compliance with required codes; and

[(G)](K) One (1) copy of detailed **manufacturer's** installation instructions for the assembly of the modular components for each modular unit shall be furnished with each modular unit to the *[dealer/selling agent]* **dealer or selling agent**, and one (1) set shall be

submitted with each model plan for approval, such instruction shall reflect detailed instructions for the assembly of the unit(s), including the fastening of dormers if applicable, roof installation details, floor fastening, end wall fastening, king post installation, and any other on-site assembly of manufacturer supplied components.

(2) Both *[dealer/selling agent]* **dealer or selling agent** and manufacturer shall register with the Public Service Commission's Manufactured Housing and Modular Units Program before any sales are made by either party. A nonrefundable fee as set forth in section 700.090, RSMo, shall accompany each request for an approval or re-approval of such registration. The registration must be renewed annually.

(3) Approval of a manufacturing program shall be evidenced by the *[director's]* **manager's** stamp of approval on the quality control manual and detailed plans which comprise the program. Upon approval of a manufacturing program the *[director]* **manager** shall return to the manufacturer a copy of the plan approval form for the quality control manual and any plans approved which bear the *[director's]* **manager's** stamp of approval. A copy of the original of such approved quality control manual and detailed plans shall be retained at each location where the manufacturing program which they comprise is implemented.

(4) Within ten (10) working days of the submission to the *[director]* **manager** of the required registration fee and the information *[necessary]* **required in sections (1)–(3) above** for the *[director]* **manager** to consider a request for approval of a manufacturing program, the *[director]* **manager** shall approve or refuse to approve the request. A notice of refusal shall specify the reason for refusal.

[(5) The approval of a manufacturing program shall lapse when any changes, not approved in writing by the director, are made in any procedure, part or component for which the code includes a requirement. The director shall promptly provide written approval of such changes after the director has received a written description of the changes which is sufficient to demonstrate that the changes comply with the code.]

(5) **Modifications to, or variances from, any commission-approved plan that are related to the code under which a plan was approved shall be submitted in writing to the manager for written approval. The submission shall include a demonstration that the modifications or variances comply with the code. All unapproved modifications or variances from the commission-approved plan are grounds for revocation of approval of the commission-approved plan and may result in the manager filing a complaint with the commission.**

(7) The *[director]* **manager** shall **file with the commission a request** to withdraw approval of a manufacturing program if the *[director]* **manager** finds—

(C) Seals have been affixed to modular units after the approval for the manufacturing program for the units has lapsed or expired[;].

[(D) A manufacturer fails to comply with annual registration requirements; and

(E) A manufacturer fails to renew plans of units produced under the manufacturing program.]

[(8) If the director withdraws approval of a manufacturing program, the director shall provide written notice of such action to the manufacturer. The notice shall be mailed within five (5) working days of the withdrawal and shall be sent by prepaid certified mail to the last known address of the manufacturer requesting return receipt signed by addressee only. The notice shall state the reason for the withdrawal.]

(8) The commission shall withdraw approval of a manufacturing program if the commission finds—

(A) A manufacturer fails to comply with annual registration requirements; and

(B) A manufacturer fails to renew plans of units produced under the manufacturing program; or

(C) If the commission finds there are unapproved modifications or variances from a commission-approved plan.

(9) An entity which produces modular units under an approved manufacturing program shall mail or deliver to the *[director]* **manager**, by the tenth day of each month, a report which identifies *[each modular unit by]* **the dealer's name and location; the make, [style, serial number and dealer's name and location] model, and serial number of each modular unit** to which seals have been affixed since the previous report and the seal number of each unit **since the last report**.

(11) All subsequent modular unit plans and installation diagrams including foundation plans, if applicable, for each additional type of modular unit (or model) to be manufactured must also be submitted to the *[director]* **manager** for approval. Modular unit plan approvals shall be *[renewed]* **annually submitted for renewal** on all models still in production. Each submittal shall *[comply with the following requirements]* **include:**

(D) Approval of simple modular unit plan revisions that do not include changes in systems or the manner of construction that do not take the unit out of compliance with the code and do not include the examples in subsection (11)(C) require approval by the *[director]* **manager**, but do not require payment of a fee. Examples of such changes include, but are not limited to: addition or deletion of an entry way closet, installation of fake dormers, movement of an approved stairwell, reversal of a previously approved floor plan, or movement of a *[nonload]* **non-load** bearing interior wall.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.050 Inspection of Manufacturer's Books, Records, Inventory and Premises. The commission is amending the purpose, section (1), and adding a new section (2).

PURPOSE: This amendment modifies the procedures related to the inspection by the manager.

PURPOSE: This rule sets forth the extent to which manufacturer's books, records, inventory and premises are subject to inspection by the [director] manager.

(1) The books, records, including a copy of the data plate and all service records for each modular unit, inventory and premises of a manufacturer shall from time-to-time during normal business hours be subject to an inspection by the [director] manager to ascertain—

(A) If the manufacturer is complying with this chapter and Chapter 700, RSMo [1986];

(D) If grounds exist under section 700.100, RSMo [1986] to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo [1986] or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo [1986].

(2) Should a manufacturer sell directly to a consumer, the manufacturer shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.060 Inspection of Dealer's Books, Records, Inventory and Premises. The commission is amending the purpose, section (1), and adding a new section (2).

PURPOSE: This modifies the procedures related to the inspection of dealer's books, records, inventory and premises are subject to inspection by the manager and changes the term "director" to "manager."

PURPOSE: This rule sets forth the extent to which dealer's books, records, inventory, and premises are subject to inspection by the [director] manager.

(1) The books, records, inventory, and premises of a dealer shall from time-to-time during normal business hours be subject to an inspection by the [director] manager to ascertain if grounds exist under section 700.100, RSMo [1986] to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo [1986] or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo [1986].

(2) The dealer shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office for no less than five (5) years.

AUTHORITY: section 700.040, RSMo [1986] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.065 Modular Unit Dealer [/] or Selling Agent Setup Responsibilities. The commission is amending sections (1), (2), and (7), deleting sections (3)–(6), adding new sections (2) and (4), and renumbering as needed.

PURPOSE: This amendment sets forth the extent to which modular unit dealers are responsible for proper initial setup of modular units, modifies the submission requirements for property locators and the assessment of fees associated with property locators, and provides for a waiver for good cause shown.

(1) Modular Unit Dealer Setup.

[(1)](A) A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

[(2)](B) As used in this rule, "proper initial setup" means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(C) If a dealer, unless the dealer obtains the waiver of initial setup referred to in subsection (A) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection, of setup deficiencies and initiates action to discipline the registration within two (2) years after the delivery date of a modular unit.

(2) Modular Unit Inspections.

(A) Dealers shall submit to the manufactured housing and modular units program a property locator indicating the destination of the new residential modular unit(s) or new or used classroom modular unit(s) within five (5) business days to the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section new residential or new or used classroom modular unit(s) the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the manufactured housing and modular units program.

1. The manager shall assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

(B) For dealers selling residential one (1) and two (2) family modular units built pursuant to the International Residential Code (IRC) to consumers, the manager will have a period of one (1) year from the date the unit is installed to conduct the initial set up inspection of the home setup.

(C) Within two (2) years of the delivery date of the home to the consumer, the manager may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

(D) A copy of an inspection report from a routine inspection of a modular unit that occurs prior to the occupation by a purchaser, and does not arise from a consumer complaint, shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection. Should an inspection occur as a result of a consumer complaint, copies of the inspection report will be provided to the complainant and to the manufacturer or dealer, or each responsible entity, within ten (10) days from the date of the inspection.

(E) Should an initial inspection identify no code violations, or any re-inspection verify corrections have been made to address code violations identified on an initial inspection report, the manager shall issue a notice of completion indicating no outstanding issues remain to be addressed. Such notice shall be issued to each responsible entity. A complainant shall also be issued a notice of completion should an initial inspection occur subsequent to a consumer complaint. Such notice shall be issued within twenty (20) days from the date of the final inspection or re-inspection. This notice is intended to notify parties when the manager has completed an inspection process, and will not serve to indemnify any responsible party from any future liability.

[(3)] If a dealer, unless the dealer obtains the waiver of initial setup referred to in section (1) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) For dealers selling residential one (1) and two (2) family modular units built pursuant to the International Residential Code (IRC) to consumers: effective the first day of the month following the effective date of this amendment, the director will have a period of one (1) year from the date the unit is installed to conduct the initial inspection of the home setup.

(A) After the one (1) year period has passed and within two (2) years of the delivery date of the home to the consumer, the director may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

(B) Dealers shall submit to the commission a property locator indicating the destination of the residential modular unit(s) within forty-eight (48) hours of the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section residential modular units the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission.

(C) The commission may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator by the due date.

(6) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.]

[(7)](3) Every dealer of a modular unit shall provide to the purchaser

at the time of sale a purchase agreement [//] or bill of sale containing at least the following:

- (A) The purchaser name and address;
- (B) Make of the unit;
- (C) Serial number;
- (D) Date of sale;
- (E) Model and size;
- (F) The total price of the unit and its contents;
- (G) A list of all furniture and appliances in the unit;
- (H) Any other items which will be the responsibility of the purchaser, such as transportation, handling, [or installation/setup] **setup, or installation;** and
- (I) If the unit is new or used and if the unit has incurred any damages.

(4) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities one thousand eight hundred dollars (\$1,800) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240- 123.065 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
12 (annually)	Regulated dealers of new manufactured homes	\$1,800 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a fee for failure to report a property locator within forty-eight (48) hours of a modular unit leaving a dealer or manufacturers' location in route to a consumer. Looking back on three recent months, the Manager estimates that had the commission exercised its authority to assess a penalty for failure to report a property locator against those regulated parties who failed to report or reported beyond the deadline for the months of December 2015, January 2016, and February 2016, regulated parties are exposed to \$300 of liability. Multiplied over a year, the rule in its current form creates nearly \$1,200 of liabilities for regulated parties; projected over three years, is nearly \$3,600 in fees.

To account for the burdens imposed under the current rule, the Program in the past has not assessed the fee. However, non-assessment of fees has resulted in non-compliance with the rule. To strike a balance, the manager has proposed changes to the rule that expand the compliance dates by three (3) business days, extends the penalty dates by eight (8) business days.

The Program Manager reviewed the property locator reports relating to modular units for the most recent three months of data and in applying the proposed rulemaking language, found the following:

December 2015: 0 out of 9 property locators were filed after the filing deadline.

January 2016: 2 out of 10 property locators were filed after the filing deadline, or 20%

February 2016: 1 out of 10 property locators were filed after the filing deadline, or 10%.

Multiplying the number of incidents estimated to incur the proposed fee by four (4) estimates an annual occurrence of incidents subject to the proposed fee to be twelve (12) instances.

Our estimated aggregate cost is the sum of the estimated annual occurrence of incidents subject to the proposed fee (12) multiplied by the amount of the fee (\$50).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$50 fee and are not granted a waiver by the Commission for good cause shown.

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers. The commission is amending sections (1) and (2), deleting sections (3) and (4), adding new sections (6)–(10), and renumbering as needed.

PURPOSE: This amendment modifies the information that registered modular unit dealers shall file with the Missouri Public Service Commission and the form and manner of this filing and the submission requirements for monthly sales reports.

(1) Each entity registered as a modular unit dealer *[must]* shall file a monthly sales report with the *[commission]* **manufactured housing and modular units program** within ten (10) days of the end of each month.

(2) *[Monthly sales reports may be filed only upon]* **The modular unit dealer shall only use** the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102, **or at the website http://psc.mo.gov/ManufacturedHousing/Dealer_Forms.**

[(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports. An inspection fee of fifty dollars (\$50) per report may be assessed for each report that is submitted sixty (60) days after the due date.

(4) Failure to submit timely and complete monthly sales reports and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.]

[(5)](3) A monthly sales report must be filed for each month or part of a month for which the dealer is registered to sell modular units by the Public Service Commission's Manufactured Housing and Modular Units Program. If no sales are made in a given month, the dealer must file the usual form within ten (10) days of the end of the month.

[(6)](4) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither a corporation nor a partnership.

[(7)](5) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state, and zip code;
- (C) The date of sale for each modular unit sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number for each unit sold;
- (H) The new or used status of each unit sold;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units; and
- (L) The total sale price for all used units.

(6) The manager of the manufactured housing and modular units program may reject monthly sales reports that are incomplete and require dealers to submit corrected reports.

(7) A late submission fee of fifty dollars (\$50) shall be assessed against a modular unit dealer for each monthly sales report filed sixty (60) days after the due date.

(8) The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.

(9) Failure to submit timely and complete monthly sales reports within ninety (90) days of the due date and/or to pay any required fees could result in revocation of the dealer's registration under section 700.098, RSMo.

(10) The manager shall submit to the commission any written request for a waiver of fees identified in this rule, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.080 Code for Modular Units. The commission is amending sections (1), (3), (5), (6), (7), and (8) of this rule.

PURPOSE: This amendment modifies provisions related to the code for modular units.

PUBLISHER'S NOTE The secretary of state has determined that the

publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Any multiple units so designated as double wide, sectional, or modular, shall comply with HUD **International Residential Code (IRC)** and/or **International Building Code (IBC)** standards and regulations as well as state regulations and standards as set forth for modular unit construction and carry the appropriate seal or data plate.

(3) The structure shall be manufactured in accordance with and meet the requirements of the *[following building codes]* **most recently commission-adopted building codes**: except as provided in subsections (A) and (B) below, *[International Building Code-2009; International Plumbing Code-2009; International Mechanical Code-2009; International Residential Code-2009; International Fuel Gas Code-2009; and National Electric Code NFPA-2008]* **International Building Code-2015; International Plumbing Code-2015; International Mechanical Code-2015; International Residential Code-2015; International Fuel Gas Code-2015; and National Electric Code NFPA-2014**. Manufacturers will have six (6) months in which to update to the new code after the effective date of this rule as notified by the *[director]* **manager** for all units built on or after that date. The referenced codes do not include any later amendments or additions. (For a copy of the *[2009]* International Code publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. For a copy of the *National Electric Code*, contact the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471.)

(A) The requirement under section R313.2 of the *[2009]* **International Residential Code** requiring one- (1)-*[/]* and two- (2)-*[/]* family dwellings to be constructed with an automatic fire protection system shall not be mandatory; and

(5) All modular units shall meet or exceed the Seismic Zone requirements (A, B, C, D1, D2 or E as defined in the applicable code in section (3) above) for the area in which the modular unit is placed. Modular unit plans submitted by a manufacturer under 4 CSR 240-123.040 shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the state of Missouri, the manufacturer and the *[dealer/selling agent]* **dealer or dealer's agent** is responsible to ensure the unit is placed in the proper seismic area for which the unit is built.

(6) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, seismic zone listing, *[type of foundation the unit is designed for,]* name and address of the third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(7) All modular units manufactured on or after July 1, 1976, shall be set up or installed according to the manufacturer's installation manual **and approved foundation plans**.

(8) *[Installation instructions]* **The manufacturer's installation**

manual must be approved by the third party for all field installed components and any other process relating to the assembly of the modular unit(s), and any completed unit may be subject to on-site field inspection.

AUTHORITY: sections 700.010[, RSMo Supp. 2010] and [section] 700.040, RSMo [2000] **2016**. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.090 Complaints and Review of *[Director]* Manager's Action(s). The commission is amending the rule title, the purpose, and sections (1) and (2).

PURPOSE: This amendment modifies the manner in which complaints may be filed and the procedure to request commission review of the decisions, directives, and interpretations of the manager.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives and interpretations of the *[director]* **manager** may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo [1986] as it relates to modular homes **and the manufacturers or dealers of modular homes**, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) *[Commission review of the decisions, directives and interpretations of the director which relate to]* **Any person aggrieved by the manager's decisions, directives, and interpretations of the code, this chapter, or Chapter 700, RSMo [1986] as it relates**

to modular units, *[may be obtained by filing]* **may file** a written **informal or formal** complaint[, *formal or informal,*] under 4 CSR 240-2.070. In such a complaint, the *[director]* **manager** shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [1986] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.095 Re-Inspection and Re-inspection Fee. The commission is amending the rule title, deleting sections (1)–(4), (7), and (8), adding new sections (1)–(3), (8), and (10), and renumbering as needed.

PURPOSE: This amendment modifies the procedure for the re-inspection of modular homes and third party requests for inspections and the fees associated with the re-inspection(s) pursuant to section 700.040, RSMo, and provides for a waiver of fees for good cause shown.

[(1) The commission may conduct as needed re-inspections of new modular homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.

(2) The commission may assess the dealer or the manufacturer, or both, a fee for the reinspection. The fee is charged to the dealer or the manufacturer who was responsible for

making the corrections, or both where both were responsible, when items are not completed in a timely manner as required in section (1).

(3) The commission will not assess a reinspection fee to the dealer or the manufacturer if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of the International Building Code or the International Residential Code as adopted by the commission.

(4) The re-inspection shall address all violations listed in the original consumer inspection report. A copy of the report shall be forwarded to the manufacturer or dealer, or both, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.]

(1) Re-inspections subsequent to routine inspections of new modular homes.

(A) The manager may conduct re-inspections of new modular homes to verify corrections have been made to address code violations identified on the initial routine inspection report.

(B) The manager shall not assess the dealer, installer, or the manufacturer, or each entity, a fee for the first re-inspection.

(C) The manager shall assess re-inspection fee(s) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections.

(2) Re-inspections subsequent to a consumer complaint.

(A) The manager may conduct re-inspections of new modular homes when the required corrections have not been completed by the dealer, installer, or manufacturer within sixty (60) days of the initial inspection.

(B) The manager shall assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee will not be charged to the dealer, installer, or the manufacturer who was responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of receipt of the consumer complaint.

(3) The re-inspection shall address all violations listed in the initial inspection report. A copy of the report shall be forwarded to the manufacturer or dealer, or both, for corrective action. A copy shall also be forwarded to the consumer, if applicable.

[[5]](4) The manufacturer and the dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.

[[6]](5) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer and each dealer shall submit along with the fee a written plan of action to be taken by each to correct any *[statutory, rule or code]* **remaining** violations identified and, **unless otherwise approved by the manager**, corrections shall be completed within thirty (30) days of the re-inspection.

[[7]] The fee shall be implemented on all re-inspections conducted after the effective date of the rule.

(8) The commission shall send written notification to each licensed manufacturer and each licensed dealer giving the

effective date of the rule.]

[(9)](6) The fee shall be two hundred dollars (\$200) per re-inspection as outlined in section (1) to be paid by the manufacturer, dealer, or installer responsible for making the correction as identified in the original inspection report. The fee shall be submitted with a form provided by the commission. The *[commission shall]* **manager will** make the determination of who shall be assessed the fee.

[(10)](7) The *[commission]* **manufactured housing and modular units program** shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the *[commission]* **manufactured housing and modular units program** and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.

(8) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager shall file a complaint and the commission shall suspend manufacturer, installer, or dealer certificate or registration. The suspension shall last until the manufacturer or dealer pays all assessed fees and provides proof satisfactory to the manager that the conditions causing the re-inspection have been remedied or the commission takes action pursuant to section (9) below.

[(11)](9) The following situations shall constitute grounds for *[the]* **commission** denial, *[suspension,]* revocation, or placing on probation of a manufacturer or dealer certificate of registration:

[(A) Failure to pay the inspection fees within twenty (20) days of their prescribed due dates;]

[(B)](A) Failure to pay *[the]* **a re-inspection** fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay *[the]* **a re-inspection** fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(10) The manager shall submit to the commission any written request for a waiver of fees identified in this rule, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities two thousand four hundred dollars (\$2,400) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by*

the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE PRIVATE COST

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240-123.095 Re-Inspection and Re-inspection Fee
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4 (annually)	Regulated dealers of new modular units and regulated manufacturers of new manufactured homes.	\$2,400.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a two hundred dollar (\$200) inspection fee for re-inspections conducted on modular units to address violations discovered during an initial inspection. This fee has not been applied at the discretion of the manager. The amount of the fee proposed is the same amount currently applied in the existing rule. The proposed amendment seeks to apply the existing fee on a consistent basis by implementing more specific terms of its application.

The Program Manager reviewed its records relating to re-inspections performed on manufactured homes in 2015 and found the following:

In 2015, forty-six (46) modular units were subject to inspection by the Manufactured Housing and Modular Units Program. Twenty-six (26) of those homes inspected were subject to re-inspection; twenty-three (23) re-inspections were performed subsequent to routine inspections, and three (3) re-inspections occurred subsequent to a consumer complaint.

Of the twenty-six (26) total re-inspections performed, the proposed rule would impose fines in four (4) circumstances; three (3) fees would be applied to re-inspections performed subsequent to routine inspections, and one (1) fee would be applied to re-inspections occurring subsequent to a consumer complaint.

Our estimated aggregate cost is the sum of the estimated circumstances substantiating fee assessment in 2015 (4) multiplied by the amount of the fee (\$200).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$200 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.010 Definitions. The commission is amending section (1) of this rule.

PURPOSE: This amendment updates the terms used in this chapter and incorporates relevant terms in 4 CSR 240-127.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

[(B) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(C) Manufactured home as defined by section 700.010, RSMo 2000 shall include units which are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components and also includes two (2) manufactured home units joined into a single residential or business unit which are kept on a separate chassis for repeated towing. Manufactured home shall not include a recreational vehicle;]

[(D)](B) Anchoring [S]standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo [2000; and].

[(E) Authorized representative means the approved testing agency who certified the tiedown system test.]

AUTHORITY: section 700.076, RSMo [2000] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.020 Administration and Enforcement. The commission is amending section (1) of this rule.

PURPOSE: This amendment modifies the duties and responsibilities delegated by the Missouri Public Service Commission to the manager of the Manufactured Housing and Modular Units Program as they relate to manufactured home tie-down systems.

(1) The [commission's] following commission powers and responsibilities under Chapter 700, RSMo [(1986)] with respect to manufactured home tie-down systems are delegated to the [director.] manager:

(A) The ability to approve, prior to being sold, being offered for sale, or being installed, any anchor or tie-down system designed and intended for manufactured homes; and

(B) The authority to seek sanctions in the form of a complaint against parties in violation of rules and regulations promulgated under Chapter 700, RSMo or commission rules 4 CSR 240-124.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.030 Determination of Applicable Manufactured Home Systems Standards. The commission is amending sections

(1), (2), and (3).

PURPOSE: This amendment corrects a typographical error.

(1) All manufactured homes located in this state, subject to the exceptions set out in sections 700.076 and 700.085, RSMo [(1986)] shall be tied down in accordance with applicable **anchoring** standards.

(2) A manufactured home located in this state which entered the first stage of production before November 23, 1976 shall be tied down in accordance with the **anchoring** standards in effect on November 23, 1976.

(3) A manufactured home located in this state which entered the first stage of production after November 22, 1976 shall be tied down in accordance with the **anchoring** standards in effect at the time it entered the first stage of production.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.040 Commission Approval of Manufactured Home Tie-Down Systems. The commission is amending sections (1), (2), (3), (5), (6) and (7) and deleting section (4) of this rule.

PURPOSE: This amendment modifies the manner in which an approval of manufactured home tie-down systems may be obtained.

(1) No person may sell, offer for sale, or as a business install or cause to be installed a manufactured home tie-down system unless the system has been approved in writing by the [director] **manager** and the original or duplicate original of such approval is prominently displayed at the location where the system is sold, offered for sale, or offered for installation.

(2) Applications for an approval shall be submitted to the [director] **manager** and shall be executed by the owner or seller of the system on forms that shall be provided by the [director] **manager** upon request. To be complete, the applications shall include:

[(C) If the applicant is a corporation, a copy of the applicant's articles of incorporation, bylaws and most recent annual registration filed under section 351.120, RSMo (1986), along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so;]

[(D)](C) The name and address of the manufacturer of the system for which the approval is sought;

(D) A brief description of the legal organization of the manufacturer who will use the program, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization;

(E) If manufacturer is a corporation, a Certificate of Good Standing from the secretary of state and a copy of the corporation's articles of incorporation and bylaws;

(F) If manufacturer does business under a fictitious name, a copy of the fictitious name registration filed with the secretary of state;

(G) If manufacturer has submitted the applicable information as set forth in subsections (2)(A)–(F) of this rule in a previous request for approval of manufacturing program, a statement that the information was previously submitted and remains unchanged;

(H) If the information in subsections (2)(A)–(F) above is not available, or not applicable, a statement as to the reason the information is not submitted. The manager, in consult with staff counsel, shall determine if the request for approval can be processed without the required information;

[(E)](I) A copy of the plans and specifications of the system for which the approval is sought.

1. Detailed drawings and [installation instructions] the **manufacturer's installation manual** of each type of anchor system and for each type of component for which approval is sought must accompany the submittal.

A. Each drawing shall show model identification, all dimensions, types of welds or fastening, types of material, methods of securing strap, methods of attachment, orientation after installation in soil, direction(s) of applied load(s), and location of model number on the system and each component.

B. Each drawing shall bear the seal of a registered professional engineer, registered in the state of Missouri.

2. Each anchor system model must be tested and certified by [a recognized] **an authorized** testing agency to be in conformance with the **following anchoring** standards [promulgated by the commission] and accepted engineering practice:

A. Pullout tests shall be performed on three (3) samples of each anchor system model and the failure load for all three (3) tests must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. [An authorized representative of the commission] **The manager** must certify that three (3) pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached[,] in a soil type for which the anchor is designed and pulled at an angle between forty degrees (40°) and fifty degrees (50°). The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested. The device shall be set up as required by the [installation instructions] **manufacturer's installation manual**. The test report shall include a photograph or drawing **of the anchor demonstrating**

it is fully set up as required. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding the Zone 1 wind load requirements of the Federal Manufactured Home Construction and Safety Standards 24 CFR section 3280.306.

B. Failure and ultimate load capacity tests shall be performed on three (3) samples of each component part and must also be witnessed by *[an authorized representative of the commission]* the manager.

C. Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor.

3. The result from each test will indicate[:/:]—

- A. Point and mode of failure;
- B. Force required for failure;
- C. Description of test procedure;
- D. Test equipment used.

4. The report of the results of the test in specified soil or rock groups will also include:

- A. Method of installation;
- B. Date of installation;
- C. Date of test;
- D. Soil profile description and soil test probe values.

5. The anchor manufacturer shall furnish and ship with each anchoring system, information on the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the *[installation instructions]* manufacturer's **installation manual** must be *[filed with the director]* submitted to the manager. The manager shall maintain a copy of the most recent revision of the manufacturer's installation manual.

6. The *[director]* manager, upon receipt of new or additional information relating to the performance of any anchoring system, or a similar anchoring system, may request from the manufacturer of that anchoring system, additional testing or supplemental information[:/];

[7. Rock anchors shall be tested in specified rock. Rock anchors shall be field-tested in natural rock strata or in a rock sample. There must be twelve-inch (12") minimum radius of rock around the drilled hole. The natural rock strata or rock sample must be geologically described;]

[(F)](J) The location in this state where the system for which the approval is sought may be inspected by the *[director]* manager; and

[(G)](K) An affidavit of the applicant or the applicant's *[authorized representative]* agent if the applicant is a corporation, that the system for which the approval is sought will be manufactured in accordance with the plans and specifications submitted with the application and that as such it complies with the standards.

(3) Within *[eight (8)]* fifteen (15) working days after the receipt of a complete application for an approval *[has been received by the director, the director]* the manager shall inspect for compliance with the standards the manufactured home tie-down system for which the approval is sought. **An approval or a refusal to grant an approval shall be issued in writing. A notice of a refusal to grant an approval shall specify the reason for the refusal.** If through no fault of the applicant such inspection is not conducted within the prescribed time, the approval shall be issued if no basis for refusal is found on the face of the application.

[(4) An approval or a refusal to grant an approval shall be issued in writing by the director within ten (10) working days after s/he has received a complete application for an approval. A notice of a refusal to grant an approval shall specify the reason for the refusal.]

[(5)](4) No person, without the *[director's]* manager's authorization, may copy or otherwise duplicate an approval unless the word "copy" appears in at least thirty-six- (36-)/- point type down the left and right margins of such approval.

[(6)](5) [Every] Any person who purchases a manufactured home tie-down system shall be furnished by the seller with a copy of the approval for the system purchased.

[(7)](6) The *[commission]* manager shall issue an original approval for each place of business at which an applicant or his/her authorized agent sells, offers for sale, or offers to install an approved manufactured home tie-down system.

AUTHORITY: section 700.076, RSMo [2000] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 124—Manufactured Home Tie-Down Systems

PROPOSED AMENDMENT

4 CSR 240-124.045 Anchoring Standards. The commission is amending sections (2), (3), (5), (6), and (7), deleting sections (1) and (4), and renumbering as needed.

PURPOSE: This amendment moves the definitions to 4 CSR 240-127 and modifies certain standards related to the anchoring of any manufactured home purchased or relocated on or after the effective date of this rule.

[(1) Definitions. The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(A) Anchor means any device designed to transfer wind

loads imposed on a manufactured home to the ground;

(B) Anchoring equipment means straps, seals, cables, turnbuckles, and tensioning devices, which are used to secure a manufactured home to anchors;

(C) Anchoring systems means a combination of ties, anchoring equipment, and anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces;

(D) Classified soil means soil that has been evaluated through the use of a standard soil torque probe or other approved method to determine anchor-holding capacity;

(E) Installed means the arrangement and assembly at the occupancy site of all portions of an anchoring system, in accordance with the manufacturer's design, that renders the anchoring system fit for its intended use;

(F) Stabilizing device means a lateral support device such as a steel plate or a concrete collar used in connection with an anchor to limit lateral movement of the anchor;

(G) Tie means straps, cable, or securing devices used to connect the manufactured home to the anchor; and

(H) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity.]

*[(2)](1) Anchoring System. Each manufactured home installed after [the effective date of the rule] **December 31, 2001**, must be anchored in accordance with the minimum standards specified in the rule. At a minimum, each anchoring system must also meet or exceed the design wind load requirements for Wind Zone 1, as defined in **24 CFR section 3280.305** in the Federal Manufactured Home Construction and Safety Standards.*

[(3)](2) Anchoring Equipment.

(A) Load. Anchoring equipment, when installed, must be capable of resisting an allowable working load equal to or exceeding three thousand one hundred fifty (3,150) pounds and must be capable of withstanding a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home.

(B) Resistance to Weather Deterioration. Anchoring equipment exposed to weathering shall have a coating that is resistant to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface (.0005 inch in thickness), and in accordance with the following:

1. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated;

*2. Flat steel strapping shall be Type 1, Heavy Duty, Finish B, Grade 1, 1 1/4 inches wide and 0.035 inch in thickness, certified by a registered professional engineer as conforming with ASTM Standard Specification [D3595-91] **D3953-97**, Standard Specification for strapping, flat steel, and seals; and*

*3. Seals shall be Class H, Heavy Duty, Finish B, Grade 1, for steel strapping, certified by the manufacturer as conforming with ASTM Standard Specification [D3595-91] **D3953-97**.*

(C) Permanency of Connections. Anchoring equipment shall be designed and installed to prevent self-disconnection when ties are slack.

[(4) Tensioning Devices. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.]

[(5)](3) Ties.

(A) Material.

*1. Flat steel strapping and seals or other approved methods or materials shall be used for ties. All ties shall be fastened to anchors and [drawn tight] **pre-tensioned** with [turnbuckles or other] adjustable tensioning devices or devices approved for use with the*

anchor.

2. Tie materials shall be either as described in (3)(B)2. of this standard or other approved material capable of resisting an allowable working load of three thousand one hundred fifty (3,150) pounds with no more than twelve percent (12%) elongation and shall withstand a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total).

(B) Attachment.

1. Ties shall connect the anchor and the main structural steel frame that runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger or cross beams that fasten to and intersect the main structural frame. Tie-down straps shall be routed from the anchor to the top of the main structural steel frame.

*2. Tie-down straps shall be attached to the anchor in accordance with the anchor manufacturer's instructions. A permanently attached strap that has been cut off may be spliced, provided [an approved] a splicing device that is listed on the **manufactured housing and modular units program website as approved** is used.*

*(C) Vertical Ties. Vertical ties are not required in Wind Zone 1, as defined in **24 CFR section 3280.305** in the Federal Manufactured Home Construction and Safety Standards.*

[(6)](4) Anchors.

(A) Each anchor, when installed in classified soil, must be capable of resisting a minimum allowable working load of three thousand one hundred fifty (3,150) pounds in the direction of the tie, plus a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total) without failure. Failure shall be considered to have occurred when the head of the anchor moves more than two inches (2") vertically or three inches horizontally when pulled at an angle of between forty degrees (40°) and fifty degrees (50°) under a force of four thousand seven hundred twenty-five (4,725) pounds.

*(B) Each manufactured anchor shall be tested and installed in accordance with the terms of its specified testing procedures and the anchor [manufacturer's instructions] **manufacturer's installation manual**. Each anchor shall be installed and pre-tensioned until it is flush with the stabilizer plate. The slotted bolt must have a minimum of four (4) wraps of the strap after installation.*

(C) Spacing and Location.

1. Classified soil.

*A. All anchors shall be installed at the intervals and in the locations specified by the manufactured home [manufacturer's installation instructions] **manufacturer's installation manual**, and in the correct soil class for which they are approved.*

*B. In the event that the [manufacturer's installation instructions are unavailable] **manufacturer's installation manual does not include default spacing requirements**, all anchors shall be installed in accordance with Tables (A) through (C) of this [standard included herein] **rule**, and in the correct soil class for which they are approved.*

*2. Unclassified soil. All anchors installed in unclassified soil shall be in accordance with Tables (A) through (C) of this [standard included herein] **rule**. A thirty-inch (30") [double four-inch (4") helix anchor with] **anchor with two (2) four-inch (4") helix and** a twelve-inch (12") stabilizer shall be used in unclassified soil.*

3. Spacing.

A. Spacing shall be as even as practicable along the entire length of the home with the first anchor on each end no more than two feet (2') from the end of the home.

*(D) Soil Testing. A determination for soil classification should be made at each anchor location through the use of a standard torque probe[, as described in ASTM Standard D2573-94, or equivalent method]. **The applicable testing method and appropriate test probe are described in ASTM Standard D2573-94, or equivalent method.** If no soil classification test is performed for the anchor location, then the soil at the location shall be considered as unclassified.*

[(7)](5) Diagonal Tie-Down Strap Spacing. Strap spacing for anchors is illustrated in the following tables.

(A) Tables (A) through (C), included herein, illustrate the strap spacing for single section and multi-section homes with anchors located in classified and unclassified soils.

1. Note that the maximum vertical distance is measured from the anchor head to the top of the I-beam (i.e., bottom of the floor).

2. The maximum distance to the first tie-down strap at each end of the home shall be two feet (2'0").

3. Strap spacing calculations are based on the fact that single disk anchors and double disk anchors have the same holding capacity if installed in accordance with the anchor [manufacturer's installation instructions] **manufacturer's installation manual** and in the proper soil classification.

4. Anchors shall be installed just inside the skirting line in order to maintain the angles identified in each table.

5. Anchor strap attachments to the home must be in accordance with the anchor manufacturer's methods.

(B) Tables (D) and (E), included herein, illustrate the [criss-cross] **alternate** strapping system for elevated single and multi-section homes (or portion thereof) to be used in lieu of diagonal tie-down strap spacing tables; *and*].

(C) Table (F), included herein, illustrates approved methods of ground anchor installation.

[(8)](6) Spacing for Federal Manufactured Home Construction and Safety Standards Wind Zone 1 Conditions.

[(A) If the floor width is one hundred sixty-six inches (166") (typical fourteen (14)-wide), with I-beam spacing ninety-five inches (95") or greater center to center and the distance from the top of the footer to the top of the I-beam is no higher than sixty-four inches (64"), anchors shall be spaced eight feet (8') apart for classified soil, or five feet (5') apart for unclassified soil.

(B) If the floor width is one hundred forty-one inches (141") (typical twelve (12)-wide), with I-beam spacing seventy-five and one-half inches (75.5") or greater center to center and the distance from the top of the footer to the top of the I-beam is no higher than fifty two inches (52"), anchors shall be spaced six feet (6') apart for classified soil, or four feet (4') apart for unclassified soil.

(C) Anchors must be installed just inside the skirting line, or as close to the skirting line as possible.]

(A) Anchor spacing per the Missouri manufactured housing program approved anchor manufacturer's spacing requirements for Wind Zone 1.

AUTHORITY: section 700.076, RSMo [2000] **2016**. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the

Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 124—Manufactured Home Tie-Down Systems

PROPOSED AMENDMENT

4 CSR 240-124.050 Standards. The commission is amending section (1).

PURPOSE: This amendment addresses a typographical error.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The federal standards set [out at 24 CFR section 280.306] **forth in 24 CFR section 3280.306** constitute the manufactured home tie-down systems standards for manufactured homes located in this state which entered the first stage of production after November 22, 1976.

AUTHORITY: section 700.076, RSMo [1986] **2016**. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.060 Complaints. The commission is amending the purpose and sections (1) and (2) of this rule.

PURPOSE: This amendment modifies manufactured home installer licensing, renewal and disciplinary requirements, and changes the term “director” to “manager”.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives, and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo [(1986)] as it relates to manufactured home tie-down systems **and the manufacturer of those systems** may file a formal or informal complaint under 4 CSR 240-2.070.

(2) [Commission review of the decisions] **Any person aggrieved by the manager’s decisions**, directives and interpretations of [the director which relate to] the standards, this chapter, or Chapter 700, RSMo [(1986)] as [it relates] **they relate** to manufactured home tie-down systems [may be obtained by filing] **may file** a written formal or informal complaint under 4 CSR 240-2.070. In such a complaint, the [director] **manager** shall be denominated as the respondent.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.010 Definitions. The commission is adding new section (1), deleting sections (6)–(24), and re-lettering as needed.

PURPOSE: This amendment modifies terms used in this chapter and moves certain definitions to 4 CSR 240-127.

(1) The following definitions, as well as those set out in section 700.010, RSMo and 4 CSR 240-127 shall apply to this chapter:

[(1)](A) Act means the Federal Manufactured Housing Improvement Act of 2000[.];

[(2)](B) Applicant is a person who applies to the commission for a license or limited use license to install manufactured homes[.];

[(3)](C) Application means a manufactured housing installer license application or renewal application as provided by the commission[.];

[(4)](D) Certificate means a document issued by a commission-approved educational provider reflecting the applicant for licensure has taken an approved manufactured housing installer training class or program and has received a passing grade[.];

[(5)](E) Code means the federal standards set out in 24 CFR section 3280 of the Manufactured Home Construction and Safety Standards, and 24 CFR section 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 CFR section 3284 of the Federal Manufactured Housing Installation Standards which constitute the codes to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased, [or] sold, or offered for rent[.]; **and**

[(6) Commission is the Missouri Public Service Commission.

[(7) Continuing education means that installers will be required to attend certification classes every three (3) years or as otherwise required by the commission.

[(8) Dealer is any person, other than a manufacturer, who sells or offers for sale four (4) or more manufactured homes or one (1) or more new manufactured homes or modular units in any consecutive twelve (12)-month period or as otherwise defined in section 700.010, RSMo.

[(9) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision.

[(10) Educational program means a manufactured housing training program approved by the commission.

[(11) Educational provider is any person or legal entity approved by the commission to provide manufactured housing installation training, instruction, and certification pursuant to a training program approved by the commission.

[(12) Installation is any work undertaken at the place of occupancy of a manufactured home to ensure the proper initial

setup of the home, which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation.

(13) Installer is an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680, RSMo.

(14) Installation decals are decals issued by the commission to be attached to each new manufactured home installed or set up by a licensed installer.

(15) Installer license is a manufactured housing installer license or renewal license issued by the commission, issued for a one (1) year period.

(16) Installation standards are reasonable specifications for the installation of a manufactured home, including standards consistent with Chapter 700, RSMo, the act or the code and as required by the manufacturer's installation manual.

(17) License renewals mean that manufactured housing installer licenses are due annually beginning with July 1, 2005.

(18) Limited use installer license is a manufactured housing limited use installer license issued by the commission which is valid for a period of one hundred eighty (180) days and is limited to one (1) renewal.

(19) Manufacturer is any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale.

(20) Manufactured home is a manufactured home as that term is defined in subsection (5) of section 700.010, RSMo.

(21) Manufacturer's installation manual shall be the installation manual and any changes or addendums as provided by the home manufacturer for the model home being installed.

(22) New means being sold or offered for sale to the first purchaser for purposes other than resale.

(23) Person is an individual, partnership, corporation, or other legal entity.

(24) Primary installer is the licensed installer who is responsible for the initial installation of the home to include ensuring the home site is properly prepared, ensuring the foundation and/or piers meet the applicable standards before setting the home on the site, and placing the installation decal and sign-off portion of the decal on the home.]

[(25)](F) Program means Title VI of P.L. 106-569 and any federal regulations promulgated thereunder and as may be amended.

AUTHORITY: section 700.692, RSMo [Supp. 2013] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 125—Manufactured Home Installers

PROPOSED AMENDMENT

4 CSR 240-125.020 General Provisions. The commission is amending section (3) of this rule.

PURPOSE: This amendment modifies the general guidelines for the implementation of this chapter.

(3) No person shall engage in the business of installing manufactured homes or hold himself, herself, or itself out as a manufactured home installer in this state unless such person holds a valid installer license issued by the [commission] manager. Manufactured home dealers and manufacturers who do not subcontract with a licensed installer, but perform installations themselves, must have at least one (1) employee who is a licensed installer who is responsible for each installation.

AUTHORITY: section 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.040 Manufactured Home Installer License. The commission is amending sections (1), (2), and (3).

PURPOSE: This amendment modifies the licensing requirements, license fees, and responsibilities for manufactured home installers.

(1) Requirements for an Installer License.

(A) To be licensed as a manufactured home installer, an applicant shall meet all of the requirements of sections 700.650 to 700.692, RSMo, including:

1. Attending a commission-approved manufactured home installation education program;

2. Receiving a passing grade on the commission-approved examination;

3. Submitting an application form and one hundred fifty dollar (\$150) application fee;

4. Submitting the certificate issued by the educational provider; and

5. Providing proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.]

3. Attending certification classes every three (3) years or as otherwise required by the manager; and

4. Submitting to the manufactured housing and modular units program—

A. An application form and one hundred fifty dollar (\$150) application fee;

B. The certificate issued by the educational provider; and

C. Proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.

(B) The [commission] manager may waive the training and examination requirements for applicants who have obtained an installer license in another state, the District of Columbia, or territories of the United States pursuant to section 700.662, RSMo, if all the documentation is submitted with the license application and the application fee is paid. The certification must be current, must meet or exceed the requirements in sections 700.650 to 700.680, RSMo, and must cover all or a portion of the same time frame as the Missouri renewal period.

(2) Installer Responsibilities and Limits.

(B) An installer licensee shall also be responsible for—

1. Affixing the installation decal to each manufactured home;

2. Completing all reporting and application forms required by the program;

3. Leaving the manufacturer's installation manual at the installation site;

4. Assuring that all portions of the manufactured home installa-

tion are in compliance with the manufacturer's installation manual; and

5. Correcting all applicable non-conformances within thirty (30) days of receipt of a correction notice from the [commission] manager.

(3) Primary Installer Responsibilities in addition to (2)(A) and (B) above—

(A) Each primary installer shall be responsible for ensuring the site and foundation are correct before setting the home on the site or foundation. If the home is not correctly set on the site or foundation, the primary installer shall be responsible for making corrections to the site or foundation, pursuant to sections 700.010(5) and (15), RSMo, and 4 CSR 240-125.010(12) and (13); and

(B) Primary installers who install new [homes] manufactured homes in Missouri from dealers, manufacturers, or other entities located in other states shall submit a property locator form provided by the [commission] manufactured housing and modular units program prior to placing the [home] manufactured home on the site. Failure to submit the property locator to the [commission] manufactured housing and modular units program prior to placing the manufactured home on the site may subject the installer to the fifty dollar (\$50) inspection fee as defined in 4 CSR 240-120.065(4)(D).

AUTHORITY: section 700.692, RSMo [Supp. 2013] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.050 Limited Use Installer License. The commission is amending section (1), deleting sections (2) and (3) of this

rule, and adding new section (2).

PURPOSE: This amendment modifies licensing guidelines for limited use installer licenses for manufactured home installers.

(1) To be licensed as a manufactured home limited use installer, an applicant shall submit to the [commission] **manufactured housing and modular units program** a completed application, signed and dated by the applicant, together with the required one hundred fifty dollar (\$150) fee and proof of general liability and workmen's compensation insurance. A limited use installer license allows the holder to perform all of the work performed by a licensed installer under the supervision of a licensed installer **until the limited use installer passes a commission-approved manufactured home installer examination.**

[(2) A limited use installer license shall be valid for a period of one hundred eighty (180) days and may be renewed one (1) time.

[(3) If needed, the commission may contact any person or entity to verify the experience of an applicant.]

(2) A limited use installer license holder must take a commission-approved manufactured home installer examination within a period of one hundred eighty (180) days from the issuance of the limited use installer license. Failure to attain a passing grade on the examination terminates the limited use installer license. However, the installer has a one- (1-) time option to reapply pursuant to section (1) of this rule for a second limited use license. The applicant must take a second commission-approved manufactured home installer examination within a period of one hundred eighty (180) days of the license renewal. Failure to attain a passing grade on the second examination terminates a limited use installer license and provides no opportunity for reapplication.

AUTHORITY: section 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.060 Licensing. The commission is amending sections (1), (2), and (3) of this rule.

PURPOSE: This amendment modifies manufactured home installer licensing, renewal and disciplinary requirements, and changes the term "director" to "manager".

(1) Issuance and Possession of License.

(B) The licensee shall notify the [commission] **manufactured housing and modular units program** in writing within thirty (30) days of any address change.

(2) License Renewal.

(B) Forty-five (45) days prior to license expiration the [commission] **manufactured housing and modular units program** shall mail each licensee a license renewal application.

(C) An application for renewal of a current license shall include evidence that the applicant has completed a minimum of eight (8) hours of **commission-approved** continuing education[, *as required by the commission and the act*] and shall be accompanied by the required renewal fee, which shall be the same amount as the application fee established in 4 CSR 240-125.040. Each installer must attend an approved installer certification renewal class every three (3) years or as otherwise required by the [commission] **manager** or the act.

(D) A license renewal application must be submitted to the [commission] **manufactured housing and modular units program** prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired must reapply for a new license and meet all requirements of a new applicant. The [commission] **manufactured housing and modular units program** shall not be responsible for notification if the licensee has changed addresses without notifying the [commission] **manufactured housing and modular units program** within thirty (30) days of the address change.

(3) License Suspension and Revocation.

(A) The [director] **manager** may give the licensed installer twenty (20) days from the date of written notice before filing a formal complaint with the commission for failure to comply with any of the provisions under Chapter 700, RSMo, the rules promulgated thereunder, or the act or the code(s) as adopted under this chapter.

(B) The commission may suspend an installer license for up to thirty (30) days for failure to comply with the provisions of Chapter 700 RSMo, the rules promulgated thereunder, or the act or the code(s) as adopted under this chapter. If conditions have not been remedied within thirty (30) days, the manager shall file, with the commission, a complaint against the installer for failure to comply with a commission rule.

AUTHORITY: sections 700.677 and 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.070 Installation Decals. The commission is amending sections (1), (2), and (3) of this rule and adding new section (4).

PURPOSE: *This amendment modifies installation decal requirements and fees for manufactured home installers.*

(1) Requirements for Installation Decals.

(A) An installation decal issued by the *[commission] manufactured housing and modular units program* shall be a permanent stick-on decal to be attached to the exterior of the home and shall also include a sign-off portion of the decal, which must be attached next to the data plate inside the home with the initials and license number of each installer involved with the initial setup and installation of the home.

(B) The primary installer who is responsible for the initial **setup and installation** *[and setup]* of the manufactured home which includes site preparation and foundation and any portion of the blocking, leveling, or roof installation is responsible for affixing the installation decal and the sign-off portion of the decal to the manufactured home upon completion of blocking, leveling, or roof installation.

(D) Decals may be purchased by licensed installers by submitting an application to the *[commission] manufactured housing and modular units program*, in duplicate together with the appropriate *[twenty-five dollars (\$25)] thirty-five dollars (\$35)* for each decal.

(E) Only licensed installers may be issued installation decals by the *[commission] manufactured housing and modular units program* and decals shall be affixed only by licensed installers upon completion of the blocking and leveling.

(F) The licensed installer purchasing decals from the *[commission] manufactured housing and modular units program* shall be responsible for decal security, use, and reporting.

(G) Decals assigned to licensed installers may only be transferred by the *[commission] manufactured housing and modular units program*.

(H) If an installer license is suspended, revoked, or expires, or the installer is no longer in business, all unused decals issued to that per-

son shall be returned to the *[commission] manufactured housing and modular units program*. The decal fee may be refunded by the *[commission] manufactured housing and modular units program*, if a refund application is completed by the applicant as provided by the *[commission] manufactured housing and modular units program*.

(I) Primary installers who fail to attach the installation decal and/or the sign-off portion of the decal to the home immediately after the completion of the blocking and leveling of the home *[will] shall* be subject to a two hundred dollar (\$200) inspection fee. The fee shall be paid and submitted to the *[commission] manufactured housing and modular units program* within ten (10) days after notification by the *[director] manager*.

(2) The *[commission] manager* may deny any request for decals when:

(3) Monthly Installation Decal Report.

(A) A licensed installer who has purchased installation decals directly from the *[commission] manufactured housing and modular units program* shall submit a monthly report with the *[commission] manufactured housing and modular units program* no later than the tenth of the month following the month when the decals were placed.

(B) The report shall be filed on the *[commission's]* Installation Decal Report Form **provided by the manufactured housing and modular units program**. The forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102 or online at www.psc.mo.gov.

[(C) The director may reject all monthly reports that are incomplete and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(D) Failure to submit a completed monthly report by the due date or failure to pay any required fees could result in suspension or revocation of the installer's license.]

[(E)](C) A report shall be filed for each month or part of the month for which the installer is licensed. If no decals are placed or installed in a given month, the installer shall file the usual form no later than the tenth of the following month.

[(F)](D) The licensed installer or a representative of the licensed installer shall sign the report.

[(G)](E) The licensed installer shall maintain a copy of this report for his/her records.

[(H)](F) Each installation decal report shall include the licensed installer's name and license number, as well as the licensed installer's street address, city, state, zip code, and telephone number. In addition, the report shall provide the following information for each installation:

1. The installation decal number;
2. The county, home address, and phone number of the homeowner;
3. The date of the installation;
4. The name of the home's manufacturer;
5. The manufactured home serial number and year built;
6. The size of the manufactured home;
7. The dealer's name; and
8. The total number of installation decals placed for the reporting period.

(G) The manager may reject all monthly reports that are incomplete and require the installer to submit corrected reports.

(H) A late submission fee of fifty dollars (\$50) per report will be assessed for each report that is filed sixty (60) days after the due date.

(I) The commission may suspend the installer's license for any report not submitted within sixty (60) days of the due date.

(J) Failure to submit a completed monthly report within ninety (90) days of the due date or failure to pay any required fees could

result in revocation of the installer's license.

(4) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.692, RSMo [Supp. 2013] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities twenty-six thousand eight hundred fifty dollars (\$26,850) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240- 125.070 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
88	Regulated installers of manufactured homes	\$26,850 (over a 3-year life of the rule)

III. WORKSHEET

Installer decals are required to be affixed to a manufactured home by licensed installers upon completion of the blocking and leveling. These decals are purchased from the Manufactured Housing and Modular Units Program.

The Program has experienced approximately a 300% increase in the costs to purchase the decals from the supplier, coupled with increased operational expenses, so as to necessitate the increase of the existing fee from \$25 per decal to the proposed \$35 per decal.

The Program Manager reviewed the decal information for manufactured homes for calendar year 2015 and in applying the proposed rulemaking language, found the following:

There are 88 active installers. In 2015 there were 895 decals issued by the Missouri Manufactured Housing and Modular Units Program. By increasing the existing fee to \$35 per decal from \$25 per decal, the manager estimates a compliance cost of \$8,950 annually, or approximately \$100 per active installer.

IV. ASSUMPTIONS

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.090 Dispute Resolution. The commission is amending sections (1)–(7) of this rule and adding new section (8).

PURPOSE: This amendment modifies the term “director” to “manager” and the complaint procedure under this rule.

(1) After completion of an initial inspection of a manufactured home, a dispute resolution process may be initiated in order to resolve disputes between the manufacturer, the dealer, and the installer of the home. This process may be initiated at the request of the *[director]* **manager**, or upon a manufacturer, dealer, or installer having submitted to the *[director]* **manager** a written request within fourteen (14) days after receipt of the *[director’s]* **manager’s** initial inspection report.

(2) All dispute resolutions shall be conducted at the site of the manufactured home, unless determined by the *[director]* **manager** to be unreasonable or impracticable to do so. Upon the decision to initiate the dispute resolution process or upon receipt of a written request to do so, the *[director]* **manager** shall notify in writing all parties of the time and place of the dispute resolution. In attempting to schedule the dispute resolution, the *[director]* **manager** shall make a good faith effort to consider the input of the parties *[provided that in any case where a deficiency is determined by the director to be an imminent safety hazard or to constitute a serious structural defect, an immediate hearing may be scheduled at the sole discretion of the director]*. The homeowner shall have the right to attend the dispute resolution, to provide input at the request of the *[director]* **manager**, and to be informed of the outcome.

(3) The manufacturer, dealer, and installer shall be required to attend the dispute resolution at the time and place determined by the *[director]* **manager**. Any party who fails to attend the dispute resolution shall be deemed to have waived its right to provide input in the process.

(4) Each inspection item in dispute shall be discussed at the dispute resolution. All parties shall be given the opportunity to present their position in respect to disputed items. The parties shall also discuss with the *[director]* **manager** a timeline for completion of any disputed items and work to reach an agreement thereon.

(5) Within ten (10) days of the dispute resolution, the *[director]* **manager** shall send to the parties a final inspection report that identifies which party has been determined by the *[director]* **manager** to be responsible for repairing the items originally in dispute. This *[final]* inspection report shall also include a date by which the required repairs shall be completed.

(6) Reasonable extensions to the required completion dates may be granted by the *[director]* **manager** under circumstances including, but not limited to, impracticability due to weather or the ability of a party to obtain engineering or permit approvals.

(7) If the repairs are not completed by the original or duly-extended deadline, the *[director may]* **staff counsel’s office shall send a demand letter to the delinquent manufacturer, dealer, and/or installer. If the repairs are not completed by the date specified in the demand letter, or as duly-extended by the staff counsel’s office in consultation with the manager, the manager shall file a formal complaint with the commission.**

(8) In any case where a deficiency is determined by the manager to be an imminent safety hazard or to constitute a serious structural defect, the manager may file a request asking the commission for an immediate hearing of the dispute.

AUTHORITY: section 700.689, RSMo [Supp. 2010] **2016**. Original rule filed Oct. 4, 2010, effective April 30, 2011. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission’s electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED AMENDMENT

4 CSR 240-126.010 Definitions. The commission is deleting sections (1)–(9) and adding new section (1).

PURPOSE: This amendment modifies the definition of various terms as used in this chapter.

[(1) “Advisory committee” is the committee created to assist the commission with the evaluation of all claims filed by consumers.

(2) “Applicant” is any consumer who completes a claim form.

(3) “Claim form” is the form developed and provided by the commission and which is used for reimbursement from the Manufactured Housing Recovery Fund.

(4) “Commission” is the Missouri Public Service Commission.

(5) “Consumer” is any individual who has purchased from a Missouri registered manufacturer or dealer any “home” as that term is defined in this rule.

(6) “Home” means any new manufactured home built according to the federal standards 24 CFR Parts 3280 and 3282 and

4 CSR 240-120.100, and/or any modular unit used as a residential home and built according to the Code for modular units as that Code is defined in 4 CSR 240-123.080.

(7) "Manufactured Housing Consumer Recovery Fund (Recovery Fund)" means the fund administered by the commission for the purpose of paying consumer claims under procedures the commission may promulgate by rule.

(8) "Program director" is the director of the commission's Manufactured Housing and Modular Units Program.

(9) "Unsatisfied claim" is any claim for the actual cost of damages or repairs arising from a violation of Chapter 700, RSMo, the commission's rules, or the federal standards in 24 CFR Parts 3280 and 3282, and which a consumer has not been able to recover.]

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 shall apply to this chapter:

(A) Applicant is any consumer who completes a claim form; and

(B) Home means any new manufactured home built according to the federal standards 24 CFR Parts 3280 and 3282 and 4 CSR 240-120.100, and/or any modular unit used as a residential home and built according to the code for modular units as that code is defined in 4 CSR 240-123.080.

AUTHORITY: sections 700.040[, RSMo 2000] and [section] 700.041, RSMo [Supp. 2008] 2016. Original rule filed April 6, 2009, effective Oct. 30, 2009. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED AMENDMENT

4 CSR 240-126.020 Consumer Recovery Fund. The commission is amending sections (2), (3), (4), (5), (6), (7), (9), (12) and deleting section (13).

PURPOSE: The purpose of this amendment is to modify guidelines for the Manufactured Housing Consumer Recovery Fund.

(2) The advisory committee shall assist the commission in the administration and investigation of all claims submitted by consumers under this rule. The advisory committee shall consist of three (3) members: two (2) employees of the commission with one (1) member being the [program director] manager, one (1) member from the commission's [general] staff counsel's office, and one (1) member of the Missouri Manufactured Housing Association.

(3) In order to receive a disbursement of funds from the Recovery Fund, the following criteria shall be met:

(E) A consumer must have an unsatisfied claim resulting from a violation of—

1. Chapter 700, RSMo; or

2. Any rule adopted by the commission; or

3. The National Manufactured Housing Construction and Safety Standards in 24 CFR Part 3280 or the Manufactured Home Procedural and Enforcement Regulations in Part 3282 or the **Manufactured Home Installation Standards and Manufactured Housing Installation Rules and Regulations in parts 3285 and 3286**; or

4. The standards that govern modular units defined in 4 CSR 240-123.080;

(F) A consumer must have exhausted all legal remedies as set forth in section (6) prior to submitting a claim form;

(H) The amount requested by the consumer must reflect the actual cost of repairs [and] or additional costs incurred as a result of a manufacturer, dealer, or installer is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission. [I/]In no event shall [exceed] a reimbursement amount be made from the Recovery Fund in excess of five thousand dollars (\$5,000) for single section homes and seven thousand five hundred (\$7,500) for multi-section homes. No claim shall include attorney's fees, double, treble, punitive, or exemplary damages.

(4) Upon receipt of a claim form, the advisory committee shall be responsible to investigate and determine whether the requirements of this rule have been met and shall present its findings to the commission in the form of a recommendation [within sixty (60) days from receipt of the claim form].

(5) [All r/Recommendations of the advisory committee [and all] for disbursement/s] of funds from the Recovery Fund shall be subject to the approval of the commission. No funds shall be distributed without prior commission approval.

(6) In determining whether an applicant's legal remedies have been exhausted, the advisory committee may consider **any of** the following:

(A) Evidence demonstrating that the consumer has obtained a judgment from a circuit court against a manufacturer, dealer, or installer and that the consumer has been unable to satisfy this judgment; or

(B) Information indicating that a manufacturer, dealer, or installer, against whom legal action may be taken, is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission; [and] or

(C) Information indicating that legal action against a manufacturer, dealer, or installer is futile or is barred by statute or equitable principle, or any other relevant factor.

(7) A claim form submitted to the commission must be completed in its entirety. *[Information contained on t/*The claim form shall contain, but may not be limited to, the following:

(9) *[Neither the Recovery Fund, t/*The advisory committee, the *[program director] manager, [nor] or* the commission shall **not** be liable if the Recovery Fund does not have sufficient funds to cover all the damages and/or repair costs.

(12) Nothing in this chapter shall limit the ability of the *[program director] manager* to inspect a manufactured home or modular unit at any reasonable time **before or during pendency of the claim or as directed by the commission.**

[(13) Notwithstanding the limitations and terms of any home warranty, the program director may, whenever the program director identifies any aspect of an installation that does not conform to the applicable requirements, order the installer who performed the installation to correct nonconformity, or if that installer is no longer licensed, reassign correction to a registered dealer or licensed installer and reimburse the same from the Recovery Fund for the cost of the correction.]

AUTHORITY: sections 700.040[, RSMo 2000] and [section] 700.041, RSMo [Supp. 2008] 2016. Original rule filed April 6, 2009, effective Oct. 30, 2009. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 127—Manufactured Homes and Modular Units

PROPOSED RULE

4 CSR 240-127.010 Definitions

PURPOSE: *The purpose of this rule is to combine all definitions in Chapters 120 through 126.*

(1) The following definitions shall apply to Chapter 120, Chapter 121, Chapter 123, Chapter 124, Chapter 125, and Chapter 126:

(A) Advisory committee is the committee created to assist the commission with the evaluation of all claims filed by consumers;

(B) Agent means a person who has received the power to act on behalf of another or entity;

(C) Anchor means any device designed to transfer wind loads imposed on a manufactured home to the ground;

(D) Anchoring equipment means straps, seals, cables, and tensioning devices, which are used to secure a manufactured home to anchors;

(E) Anchoring standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo;

(F) Anchoring system means a combination of ties, anchoring equipment, and anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces;

(G) Approved insignia means a label or tag issued by authority of 42 U.S.C. 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations or an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo;

(H) Authorized representative means any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;

(I) Authorized testing agency means a commission approved testing agency who certified the tie-down system test;

(J) Certification label or label means the approved form of certification that, under 24 CFR section 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States;

(K) Certified new manufactured home means a new manufactured home to which a certification label has been affixed;

(L) Claim form is the form developed and provided by the commission and which is used for reimbursement from the Manufactured Housing Recovery Fund;

(M) Classified soil means soil that has been evaluated through the use of a standard soil torque probe or other approved method to determine anchor-holding capacity;

(N) Code means the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the International Code Council, in its entirety, the standards or codes promulgated by the American Standards Institute, the federal standards set forth in 24 CFR section 3280 of the Manufactured Home Construction and Safety Standards, and 24 CFR section 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 CFR section 3285 of the Federal Manufactured Housing Installation Standards and any applicable standards promulgated by the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(O) Commission is the Missouri Public Service Commission;

(P) Consumer is any individual who has purchased from a Missouri registered manufacturer or dealer any "home" as that term is defined in this rule;

(Q) Continuing education means that installers will be required to attend certification classes every three (3) years, or as otherwise required by the commission;

(R) Dealer is any person, other than a manufacturer, who sells or offers for sale four (4) or more used manufactured homes or one (1) or more new manufactured homes or modular units in any consecutive twelve- (12-) month period or as otherwise defined in section 700.010, RSMo;

(S) Detailed plan means a detailed set of plans and specifications of each modular unit and manufacturer supplied component produced by a manufacturer;

(T) Educational program means a manufactured housing installation training program approved by the manager;

(U) Educational provider is any person or legal entity authorized by the commission to provide manufactured housing installation training, instruction, and certification pursuant to a training program approved by the commission;

(V) HUD means the United States Department of Housing and Urban Development;

(W) HUD regulations means the rules promulgated by the secretary of HUD under Section 625 of 42 U.S.C. 5424;

(X) Installation is any work undertaken at the place of occupancy of a manufactured home to ensure the proper initial setup of the home, which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;

(Y) Installation decals are decals issued by the manufactured housing and modular units program to be attached to each new manufactured home installed or set up by a licensed installer;

(Z) Installed means the arrangement and assembly at the occupancy site of all portions of an anchoring system, in accordance with the manufacturer's design, that renders the anchoring system fit for its intended use;

(AA) Installer is an individual who is licensed by the manufactured housing and modular units program to install manufactured homes, pursuant to sections 700.650 to 700.680, RSMo;

(BB) Installer license is a manufactured housing installer license or license renewal issued by the manufactured housing and modular units program, issued for a one- (1-) year period;

(CC) License renewal is the renewal of manufactured housing installer licenses due annually by July 1;

(DD) Limited use installer license is a manufactured housing limited use installer license issued by the commission which is valid for a period of one hundred eighty (180) days and is limited to one (1) renewal;

(EE) Manager means the manager of the manufactured housing and modular units program of the Public Service Commission and persons working under his or her supervision;

(FF) Manufactured home as defined by section 700.010, RSMo means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code. The term includes units which are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components and also includes two (2) manufactured home units joined into a single residential or business unit which are kept on a separate chassis for repeated towing. Manufactured home shall not include a recreational vehicle;

(GG) Manufactured housing and modular units program means the unit within the commission authorized to carry out certain duties of the commission as they relate to manufactured homes and modular units;

(HH) Manufactured Housing Consumer Recovery Fund or Recovery Fund means the fund established for the purpose of paying unsatisfied claims as approved by the commission under the procedures established by this chapter, administered by the commission, and used solely as prescribed in this chapter and pursuant to section

700.041, RSMo;

(II) Manufacturer is any person or entity who manufactures manufactured homes, or modular units, including persons who engage in importing manufactured homes, or modular units for resale;

(JJ) Manufacturer's installation manual shall be the installation manual and any changes or addendums as provided by the home manufacturer for the installation of manufactured home, modular unit, tie-down system, or any component part, including, but not limited to, the supporting, fastening, bolting of the floors, roof section(s), end walls, fastening down to foundation, electrical connections, water crossovers, and any other such operation that will be needed to properly set up a manufactured home or modular unit;

(KK) Manufacturing program is an organization capable of manufacturing modular units which is comprised of at least a quality control manual and detailed plans for each type of modular unit to be manufactured under a program approved in writing by the manager as conforming to the requirements of this chapter, the code, and Chapter 700, RSMo as it relates to modular units;

(LL) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational, or industrial purposes. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final setup. This definition shall not apply to structures under six hundred fifty (650) square feet used temporarily and exclusively for construction site office purposes;

(MM) Notice of completion is a notice issued by the manager to a manufacturer, installer, or dealer, or each responsible entity, that the inspectors have completed setup inspections. A notice of completion shall not preclude inspections conducted pursuant to a consumer complaint;

(NN) Person is an individual, partnership, corporation, or other legal entity;

(OO) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased, or occupied either as a dwelling or a place of business;

(PP) Primary installer means an installer who is responsible for the initial installation of the home to include ensuring the home site is properly prepared, ensuring the foundation and/or piers meet the applicable standards before setting the home on the site, and placing the installation decal and sign-off portion of the decal on the home;

(QQ) Purchase agreement or bill of sale means a writing reflecting the terms of transfer of property between a dealer and the purchaser;

(RR) Registration means the application submitted to the manufactured housing and modular units program and payment of the registration and renewal fee as established in section 700.095, RSMo;

(SS) State administrative agency means an agency of a state which has been approved or conditionally approved to carry out a state plan for enforcement of the federal standards under Section 623 of the Act (42 U.S.C. 5422);

(TT) State plan means the procedure by which a state administrative agency proposes to cooperate with the secretary of HUD in the administration and enforcement of the federal standards;

(UU) State plan application means the application of a state agency to be approved by the secretary of HUD as a state administrative agency;

(VV) Tie means straps, cable, or securing devices used to connect the manufactured home to the anchor;

(WW) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity; and

(XX) Unsatisfied claim is any claim for the actual cost of damages or repairs arising from a violation of Chapter 700, RSMo, the commission's rules, or the standards in 24 CFR sections 3280 and 3282, and which a consumer has not been able to recover.

AUTHORITY: section 700.692, RSMo 2016. Original rule filed July 6, 2017.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 23—Motor Vehicle

PROPOSED RULE

12 CSR 10-23.600 Complaint, Inspection, and Disciplinary Process for Transportation Network Companies

PURPOSE: This rule clarifies application, inspection, and disciplinary processes and procedures related to transportation network companies.

(1) As used herein, the following terms mean:

(A) "Commission", the regional taxicab commission established pursuant to section 67.1804, RSMo;

(B) "Department", the Missouri Department of Revenue;

(C) "Director", the director of the Missouri Department of Revenue or a hearing officer or appeals referee duly appointed by the director;

(D) "Home rule city", any home rule city with more than four hundred thousand (400,000) inhabitants and located in more than one (1) county; and

(E) "Transportation network company" or "TNC", a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to sections 387.400 to 387.440, RSMo, and operating in the state of Missouri, that uses a digital network to connect TNC riders to TNC drivers who provide prearranged rides.

(2) Applicants for initial TNC licensure or renewal shall apply to the department by completing an application and providing the following:

(A) The registered name, address, and contact information of the applicant, including a phone number and e-mail address;

(B) The name of the registered agent within the state who will accept service of process and notifications as required by section 387.406, RSMo, and direct contact information for the agent including physical address, phone number, e-mail address, and regular business hours;

(C) The name and e-mail address for an account administrator designated by the applicant for purposes of creating and maintaining an account which will meet all reporting requirements contained in section 387.436, RSMo;

(D) The five-thousand dollar (\$5,000) application fee; and

(E) A copy of the applicant's privacy policy as required by, and in accordance with, section 387.425, RSMo.

Applicants shall certify that they will comply with all requirements contained in sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, and all regulations promulgated by the department that are consistent with sections 387.400 to 387.440, RSMo, pursuant to the authority delegated to the department under section 387.430, RSMo. Applicants shall further certify that their privacy policy, as provided to the department, meets all the requirements contained in section 387.425, RSMo. Applicants for renewal shall meet all of the above requirements except that applicants shall only be required to resubmit the applicant's privacy policy if the policy has changed or is different from the privacy policy on file with the department.

(3) Upon approval of an application for TNC licensure, the designated account administrator of the TNC will be sent an electronic notification by the department containing instructions on how to create and maintain an electronic reporting account with the department for purposes of complying with section 387.436, RSMo. The TNC's account shall be created prior to the TNC doing business as a licensee and shall be maintained throughout the duration of the license.

(4) TNCs shall cooperate with any investigation or audit by the department related to sections 387.400 to 387.440, RSMo and sections 379.1700 to 379.1708, RSMo. TNCs shall permit an employee or agent of the department to inspect, during normal business hours, any and all records which are required to be maintained pursuant to sections 387.400 to 387.440, RSMo, if related to an investigation as described above. If a third party is utilized in accordance with section 387.420, RSMo, all records gathered and supplied by the third party shall be maintained and available for inspection by the department. Any records which may be reviewed by a home rule city or the commission must also be made available to the department for inspection purposes upon request. TNCs shall make requested records available for review or provide electronic copies of records within fifteen (15) business days in order to comply with the provisions of this section.

(5) The department may refuse to issue or renew any license required pursuant to sections 387.400 to 387.440, RSMo, for a specified period of time for any one (1) or any combination of causes stated in this section. The department shall notify the applicant or licensee in writing at their last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of their right to file an appeal with the administrative hearing commission as provided in Chapter 621, RSMo.

(A) The following acts constitute cause for refusal to issue or renew a license:

1. Any violation of sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, or any rule promulgated under the authority delegated to the department under section 387.430, RSMo;

2. The applicant or license holder was previously the holder of a license issued under sections 387.400 to 387.440, RSMo, which license was suspended or denied for cause and was never reissued by

the department;

3. The applicant or license holder was previously a partner, stockholder, director, or officer controlling or managing a partnership or corporation whose license issued under sections 387.400 to 387.440, RSMo, was suspended or denied for cause and was never reissued;

4. Use of fraud, deception, misrepresentation, or bribery in securing a license issued pursuant to sections 387.400 to 387.440, RSMo; and

5. Failure to cooperate with the department or failure to timely respond to a request for records by the department in connection with an investigation.

(6) To the extent permitted by section 387.440, RSMo, a home rule city or the commission may assess a fine of up to five-hundred dollars (\$500) to a TNC for failure to comply with sections 387.400 to 387.440, RSMo, and shall comply with all notification requirements contained in this section.

(A) The home rule city or the commission shall send a notice to the TNC's registered agent which includes the amount of the fine, a brief statement of facts establishing the TNC's failure to comply with any requirement in section 387.400 to 387.440, RSMo, and a statement indicating the right of appeal in substantially the following language: "If you are adversely affected by this notice, you may appeal to the Department of Revenue. To appeal, you must file a request for hearing with the Department of Revenue, PO Box 703, Jefferson City, MO 65105, within thirty (30) days after the date this notice was mailed or the date it was delivered, whichever date was earlier. If any such request for hearing is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Department of Revenue." A copy of the notice must be provided to the department upon issuance by mailing it to Department of Revenue, PO Box 703, Jefferson City, MO 65105 or by sending it electronically to mvbmail@dor.mo.gov.

1. Any TNC fined by a home rule city or the commission shall be entitled to a hearing before the director by filing a request for hearing with the department within thirty (30) days after the date this notice was mailed or the date it was delivered, whichever date was earlier. If the request for hearing is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Department of Revenue.

2. Failure to file a timely request for hearing will be considered a waiver of the right to an administrative hearing and will establish and make final, for the purposes of administrative appeal, the home rule city or the commission's factual findings and fines.

(B) Hearings will be held in Jefferson City, Missouri, and shall be considered contested cases as that term is defined in Chapter 536, RSMo. Hearings will be placed on an administrative docket in the order in which they are received.

(C) Parties will be notified by first class mail of the date and time of the hearing. A copy of the notice will be sent to each party or the party's attorney of record.

(D) Parties may be allowed one (1) continuance at the discretion of the director provided good cause is shown. All requests for continuances shall be made in writing, state good cause for the continuance, and be signed and verified by the party making the request or their attorney of record. All requests for continuance must be filed at least five (5) days prior to the date of the scheduled hearing.

(E) The department will make a record of the proceedings and evidence presented. Hearing procedures shall be substantially as follows:

1. The home rule city or the commission will have the initial burden of proof and must present, by a preponderance of the evidence, facts establishing the TNC's failure to comply with sections 301.400 to 301.440, RSMo;

2. The TNC may present any evidence establishing or suggest-

ing compliance with the provisions of sections 301.400 to 301.440, RSMo or any rebuttal evidence;

3. Parties may present testimony by notarized affidavit or by stipulation of the parties. Affidavits or stipulations may be filed at the time of hearing or any time prior to the hearing;

4. The department will receive oral testimony, and any live witnesses will be subject to cross examination;

5. Failure to appear at the hearing at the stated time may result in a default finding and decision against the absent party; and

6. When not inconsistent with this subsection, the provisions of Chapter 536, RSMo shall apply to hearings held in accordance with section 387.440, RSMo.

(F) The director shall consider all the evidence presented, make written findings of fact and conclusions of law, and enter a final decision at or within sixty (60) days from the date of the hearing. All parties will be mailed a copy of the findings of fact, conclusions of law, and final decision. No decision will be entered at the time of the hearing.

(G) The effective date of the director's final decision shall be thirty (30) days from the date the final decision is entered.

(H) Any fines paid by a TNC in accordance with the provisions of section 387.440, RSMo shall be remitted to the department within fifteen (15) days from the effective date of the final decision of the director or any final decision or order entered by a court of law having jurisdiction over the appeal of such fine.

(I) Any fines remitted to, or collected by, the department in accordance with sections 387.439 and 387.440, RSMo will be distributed in accordance with Article IX, Section 7 of the *Missouri Constitution*.

(7) License suspensions under subsection 4 of section 387.439, RSMo shall be for a period of thirty (30) days per violation.

AUTHORITY: section 387.430, RSMo, TAFP SS NO. 2 SCS HCS HB 130, First Regular Session, Ninety-ninth General Assembly, 2017. Original rule filed July 6, 2017.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate, as any costs associated with the proposed rule are not a product of the rule itself but incident to the statutory changes included in SS No. 2 SCS HCS HB 130 (2017).

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate, as any costs associated with the proposed rule are not a product of the rule itself but incident to the statutory changes included in SS No. 2 SCS HCS HB 130 (2017).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 81—Certification**

PROPOSED AMENDMENT

19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities. The department is amending subsections (5)(C) and (D).

PURPOSE: This amendment changes the point levels used in making

determinations as to level of care.

(5) Assessed Needs Point Designations Requirements.

(C) For individuals seeking admission to a long-term care facility on or after July [1, 2005] **15, 2017**, the applicant or recipient will be determined to be qualified for long-term care facility care if he or she is determined to need care with an assessed point level of [*twenty-one (21)*] **twenty-four (24)** points or above, using the assessment procedure as required in this rule.

(D) For individuals seeking admission to a long-term care facility on or after July [1, 2005] **15, 2017**, an applicant with [*eighteen (18)*] **twenty-one (21)** points or lower will be assessed as ineligible for Title XIX-funded long-term care in a long-term care facility, unless the applicant qualifies as otherwise provided in subsections[, (5)(E) and/or (F) of the rule.

AUTHORITY: sections 192.006, [and 198.079, RSMo 2000 and 660.050,] 192.2000, and 198.079, RSMo [Supp. 2004] 2016. This rule was previously filed as 13 CSR 40-81.084 and 13 CSR 15-9.030. Original rule filed Aug. 9, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 5, 2017, effective July 15, 2017, expires Feb. 22, 2018. Amended: Filed July 5, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated sixty-four million, two hundred ten thousand, seven hundred nine dollars (\$64,210,709) in the first year of implementation; and one hundred three million, two hundred fifty-eight thousand, five hundred seventy-three (\$103,258,573) in the second year of implementation and annually thereafter.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Celesta Hartgraves, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- i. Department Title:** Department of Health and Senior Services
Division Title: Division of Senior and Disability Services
Chapter Title: Certification

Rule Number and Name:	19 CSR 30-81.030
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule.	Classification by types of the business entities which would likely be affected.	Estimate in the aggregate as to the cost of compliance with the rule by the effected entities.
128 out of 514 total entities	Medicaid Certified Nursing Facilities	FY-18 \$18,063,234 FY-19 \$18,063,234
1,566	In-Home Service Providers, Consumer Directed Service Providers, Adult Day Care facilities, and residential care facilities/assisted living facilities, some of which are small businesses	FY-18 \$46,147,475 FY-19 \$85,195,339
1,694 total	Medicaid Providers	FY-18 \$64,210,709 FY-19 \$103,258,573 and annually thereafter,

III. WORKSHEET

See attached spreadsheet.

IV. ASSUMPTIONS

Medicaid Certified Nursing Facilities

- The average Medicaid per diem rate to Nursing Facilities is \$127.06 per day per resident or \$3,811.08 per 30 day month.
- DHSS in consultation with DSS, MO HealthNet Division, assume that any residents currently in a nursing home with a LOC of 21 will remain in the nursing home.
- The average number of residents admitted to a nursing home with a LOC of 21 in FY15 and FY16 was 390.
- This estimate does not take into account the possibility that facilities may admit and care for private pay residents in Medicaid certified beds thus decreasing the financial impact.

- DHSS estimates only minimal financial impact on individual persons because Medicaid clients admitted to nursing facilities are required to apply all of their personal income, except for \$50 personal spending allowance, toward the cost of their care.

Home and Community Based Services

- Assumes that one twelfth of the 21 point LOC participants will be reassessed each month in year one of implementation and no longer be eligible for services.
- Assumes that a participant who is currently a 21 point LOC participant will still be a 21 LOC participant at the time of their reassessment, therefore, the estimate provided is the maximum estimated cost.
- Calculation is based on current units of service authorized for approximately 7,974 participants with a LOC of 21 and assumes a utilization rate of 76% of authorized units based on historical trends.

LOC Participants - 21 points

Service	Proc Code	Monthly Authorized Units	Average Delivered Monthly Units*	Rate	Monthly Savings	Annual Savings
Advanced Personal Care	AC	993	755	5.70	4,302	51,620
Advanced Personal Care - RCF	AC/RCF	547	416	5.01	2,083	24,993
Case Management	CM	1	1	100.00	76	912
Adult Day Care - ADC Waiver	D4	149,558	113,664	2.33	264,837	3,178,048
Adult Day Care - ADW	D5	58,804	44,691	2.33	104,130	1,249,561
Home Delivered Meals	DM	39,539	30,050	5.91	177,593	2,131,120
Chore	H2	327	249	4.60	1,143	13,718
Homemaker	HC	23,481	17,846	4.60	82,090	985,075
CDS Personal Care	MSP	1,334,671	1,014,350	4.01	4,067,543	48,810,520
Personal Care	PC	488,757	371,455	4.60	1,708,694	20,504,334
Personal Care - RCF	PC/RCF	56,055	42,602	4.45	189,578	2,274,936
Basic In-Home Respite	R2	45,033	34,225	4.10	140,323	1,683,874
Basic Block Respite	R3	76	58	83.50	4,823	57,876
Advanced Block Respite	R4	74	56	109.86	6,179	74,142
Authorized Nurse Visit	RN	10,096	7,673	44.35	340,296	4,083,549
Authorized Nurse Visit - RCF	RN/RCF	231	176	33.73	5,922	71,060
Total		2,208,243	1,678,265		7,099,612	85,195,339

GR 30,448,814
Federal 54,746,525

Note: This is from the PA File dated 9/26/2016, Used FY 2018 FMAP Blended Rates
*Based off Delivered vs Authorized for all HCBS for participants with 21 pt LOC - 76%

Savings by Month for FY 2018

	Total Monthly Savings	GR	Federal
July	591,634	211,450	380,184
August	1,183,269	422,900	760,368
September	1,774,903	634,350	1,140,553
October	2,366,537	845,800	1,520,737
November	2,958,171	1,057,250	1,900,921
December	3,549,806	1,268,701	2,281,105
January	4,141,440	1,480,151	2,661,289
February	4,733,074	1,691,601	3,041,474
March	5,324,709	1,903,051	3,421,658
April	5,916,343	2,114,501	3,801,842
May	6,507,977	2,325,951	4,182,026
June	7,099,612	2,537,401	4,562,210
FY 2018 Annual Savings	46,147,475	16,493,108	29,654,367
FY 2019 Annual Savings	85,195,339	30,448,814	54,746,525

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections**

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo 2016, the board amends the rule as follows:

2 CSR 80-5.010 Inspection Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 712-713). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

ORDER OF RULEMAKING

By the authority vested in the Director of Revenue under section 301.553, RSMo 2016, the director amends a rule as follows:

**12 CSR 10-26.010 Bona Fide Established Place of Business
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2017 (42 MoReg 781). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.020, 338.035, 338.040, 338.060, 338.070, 338.140, 338.185, 338.220, 338.230, 338.270, 338.280, 338.335, and 338.350, RSMo 2016, the board amends a rule as follows.

20 CSR 2220-4.010 General Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2017 (42 MoReg 729-732). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 90—Weights, Measures and Consumer
Protection**

**FISCAL YEAR JULY 1, 2017–JUNE 30, 2018
BUDGET PLAN**

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.025.10, RSMo 2016, which requires the Missouri Propane Safety Commission to prepare and submit a budget plan for public comment.

INCOME:

Estimated Assessments*	\$517,500
Interest Income	\$ 1,100
Total Income:	\$518,600

EXPENSES:

Furnishings, Equipment, and Vehicle (Depreciation and Amortization)	\$ 19,300
Rent, Utility, and Communication Expenses	\$ 22,500
Professional and Contract Services	\$ 33,600
Operating Expenses	\$ 15,000
Personnel Expenses	\$276,015
Employee Benefits	\$ 64,400
Inspection and Meeting Expenses	\$ 57,500
Commissioner Expenses	\$ 7,000
Insurance Expenses	\$ 4,450
Total Expenses:	\$499,765

NET	\$ 18,835
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*Assessment rates: 0.00225/gallon

AUTHORITY: section 323.025.10, RSMo 2016.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed budget with the Missouri Propane Safety Commission, 4110 Country Club Drive, Suite 200, Jefferson City, MO 65109-0302. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP AND DISSOLUTION OF
LIMITED LIABILITY COMPANY TO ALL CREDITORS OF
AND CLAIMANTS AGAINST DIVERSIFIED REAL ESTATE FUND, LLC**

On June 28, 2017, Diversified Real Estate Fund, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date. All persons and organizations must submit to Company, c/o Jean H. Maylack, Esq., Berger, Cohen & Brandt, LC, 8000 Maryland Avenue, Suite 1550, Clayton, Missouri 63105, a written summary of any claims against Company, including the name, address, and telephone number of the claimant; the amount of the claim; the date on which the claim arose; and documentation for the claim. All claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST PERSAFY, LLC**

On July 10, 2017, Persafy, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. All persons and organizations with claims against the Company must submit a written summary of any claims against the Company to Persafy, LLC Claims Administrator, c/o Evans & Dixon, LLC, 501 Cherry Street, Suite 200, Columbia, MO 65201, which summary shall include the name, address, and telephone numbers of the claimant, the amount of the claim, date(s) the claim accrued, a brief description of the nature and basis for the claim, and any documentation of the claim. Claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION OF CORPORATION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CAPE GIRARDEAU AREA COMMUNITY DEVELOPMENT CORPORATION

On July 7, 2017, Cape Girardeau Area Community Development Corporation, a Missouri corporation (hereinafter the "Corporation") filed its Articles of Dissolution with the Missouri Secretary of State, effective upon filing.

Any claims against the Corporation must be sent to Shad Burner at Cape Girardeau Area Community Development Corporation c/o Cape Girardeau Area Chamber of Commerce, 220 N. Fountain, Cape Girardeau, MO 63701. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

All claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of the two (2) Notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP AND DISSOLUTION
TO ALL CREDITORS AND CLAIMANTS AGAINST
HEALTHCARE CONNECT UNITED, LLC

Healthcare Connect United, LLC a Missouri Limited Liability Company filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State On July 17, 2017. Any and all claims against Healthcare Connect United, LLC may be sent to P.O. Box 313, Ballwin, MO. Each claim should include the following information: the name, address and telephone number of each claimant; the amount of the claim; the basis for the claim; the date(s) on which the claim is based occurred; any documentation supporting the claim.

Any and all claims against Healthcare Connect United, LLC will be barred unless a proceeding to enforce such claim is commenced with three (3) years after the date this notice is published.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—41 (2016) and 42 (2017). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION				
1 CSR 20-5.015	State Officials' Salary Compensation Schedule				41 MoReg 1477
	Personnel Advisory Board and Division of Personnel		41 MoReg 1538		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		41 MoReg 1539		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-10.010	Animal Health	42 MoReg 709	42 MoReg 712		
2 CSR 80-5.010	State Milk Board		42 MoReg 712	This Issue	
2 CSR 90-10	Weights, Measures and Consumer Protection				This Issue
2 CSR 90-10.012	Weights, Measures and Consumer Protection		42 MoReg 713		
2 CSR 90-10.013	Weights, Measures and Consumer Protection		42 MoReg 713		
2 CSR 90-10.014	Weights, Measures and Consumer Protection		42 MoReg 714		
2 CSR 90-10.120	Weights, Measures and Consumer Protection		42 MoReg 716		
2 CSR 100-12.010	Missouri Agricultural and Small Business Development Authority		42 MoReg 1027		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.137	Conservation Commission		42 MoReg 381	42 MoReg 977	
3 CSR 10-4.140	Conservation Commission		42 MoReg 381	42 MoReg 977	
3 CSR 10-4.200	Conservation Commission		42 MoReg 382	42 MoReg 977	42 MoReg 1113
3 CSR 10-5.220	Conservation Commission		42 MoReg 382	42 MoReg 977	
3 CSR 10-6.415	Conservation Commission		42 MoReg 382	42 MoReg 978	
3 CSR 10-7.431	Conservation Commission		42 MoReg 962	42 MoReg 978	
3 CSR 10-7.432	Conservation Commission		42 MoReg 962		
3 CSR 10-7.433	Conservation Commission		N.A.	42 MoReg 978	
3 CSR 10-7.434	Conservation Commission		N.A.	42 MoReg 978	
3 CSR 10-7.435	Conservation Commission		N.A.	42 MoReg 979	
3 CSR 10-7.437	Conservation Commission		N.A.	42 MoReg 979	
3 CSR 10-7.435	Conservation Commission		42 MoReg 963		42 MoReg 220
3 CSR 10-10.715	Conservation Commission		42 MoReg 383	42 MoReg 979	
3 CSR 10-11.115	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.130	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.155	Conservation Commission		42 MoReg 384	42 MoReg 980	
3 CSR 10-11.180	Conservation Commission		42 MoReg 385	42 MoReg 980	
3 CSR 10-11.186	Conservation Commission		42 MoReg 386	42 MoReg 980	
3 CSR 10-12.109	Conservation Commission		42 MoReg 387	42 MoReg 980	
3 CSR 10-12.110	Conservation Commission		42 MoReg 387	42 MoReg 981	
3 CSR 10-12.115	Conservation Commission		42 MoReg 387	42 MoReg 981	
3 CSR 10-12.130	Conservation Commission		42 MoReg 388	42 MoReg 981	
3 CSR 10-12.135	Conservation Commission		42 MoReg 388	42 MoReg 981	
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-20.092	Public Service Commission		42 MoReg 160		
4 CSR 240-20.093	Public Service Commission		42 MoReg 162		
4 CSR 240-20.094	Public Service Commission		42 MoReg 168		
4 CSR 240-120.011	Public Service Commission		This Issue		
4 CSR 240-120.031	Public Service Commission		This Issue		
4 CSR 240-120.060	Public Service Commission		This Issue		
4 CSR 240-120.065	Public Service Commission		This Issue		
4 CSR 240-120.070	Public Service Commission		This Issue		
4 CSR 240-120.080	Public Service Commission		This Issue		
4 CSR 240-120.085	Public Service Commission		This Issue		
4 CSR 240-120.090	Public Service Commission		This Issue		
4 CSR 240-120.100	Public Service Commission		This Issue		
4 CSR 240-120.110	Public Service Commission		This Issue		
4 CSR 240-120.120	Public Service Commission		This Issue		
4 CSR 240-120.130	Public Service Commission		This Issue		
4 CSR 240-120.140	Public Service Commission		This Issue		
4 CSR 240-121.010	Public Service Commission		This Issue		
4 CSR 240-121.020	Public Service Commission		This Issue		
4 CSR 240-121.030	Public Service Commission		This Issue		
4 CSR 240-121.040	Public Service Commission		This Issue		
4 CSR 240-121.050	Public Service Commission		This Issue		
4 CSR 240-121.060	Public Service Commission		This Issue		
4 CSR 240-121.180	Public Service Commission		This Issue		
4 CSR 240-123.010	Public Service Commission		This Issue		
4 CSR 240-123.020	Public Service Commission		This Issue		
4 CSR 240-123.030	Public Service Commission		This Issue		
4 CSR 240-123.040	Public Service Commission		This Issue		
4 CSR 240-123.050	Public Service Commission		This Issue		
4 CSR 240-123.060	Public Service Commission		This Issue		
4 CSR 240-123.065	Public Service Commission		This Issue		
4 CSR 240-123.070	Public Service Commission		This Issue		
4 CSR 240-123.080	Public Service Commission		This Issue		
4 CSR 240-123.090	Public Service Commission		This Issue		
4 CSR 240-123.095	Public Service Commission		This Issue		
4 CSR 240-124.010	Public Service Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-124.020	Public Service Commission		This Issue		
4 CSR 240-124.030	Public Service Commission		This Issue		
4 CSR 240-124.040	Public Service Commission		This Issue		
4 CSR 240-124.045	Public Service Commission		This Issue		
4 CSR 240-124.050	Public Service Commission		This Issue		
4 CSR 240-124.060	Public Service Commission		This Issue		
4 CSR 240-125.010	Public Service Commission		This Issue		
4 CSR 240-125.020	Public Service Commission		This Issue		
4 CSR 240-125.040	Public Service Commission		This Issue		
4 CSR 240-125.050	Public Service Commission		This Issue		
4 CSR 240-125.060	Public Service Commission		This Issue		
4 CSR 240-125.070	Public Service Commission		This Issue		
4 CSR 240-125.090	Public Service Commission		This Issue		
4 CSR 240-126.010	Public Service Commission		This Issue		
4 CSR 240-126.020	Public Service Commission		This Issue		
4 CSR 240-127.010	Public Service Commission		This Issue		
4 CSR 340-2	Division of Energy				41 MoReg 1440 42 MoReg 749
4 CSR 340-6.010	Division of Energy		41 MoReg 1908		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.210	Division of Learning Services		42 MoReg 1071		
5 CSR 20-300.150	Division of Learning Services		42 MoReg 1072		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 255-1.010	Fertilizer Control Board	42 MoReg 955	42 MoReg 964		
6 CSR 255-10.010	Fertilizer Control Board	42 MoReg 955	42 MoReg 964		
6 CSR 255-10.020	Fertilizer Control Board	42 MoReg 956	42 MoReg 967		
DEPARTMENT OF TRANSPORTATION					
7 CSR	Department of Transportation				41 MoReg 845
7 CSR 10-18.020	Missouri Highways and Transportation Commission		42 MoReg 91		
7 CSR 10-19.010	Missouri Highways and Transportation Commission		42 MoReg 93R		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				42 MoReg 987 42 MoReg 988 42 MoReg 988
7 CSR 60-2.010	Traffic and Highway Safety Division		41 MoReg 1688		
7 CSR 60-2.020	Traffic and Highway Safety Division		41 MoReg 1689		
7 CSR 60-2.030	Traffic and Highway Safety Division		41 MoReg 1690		
7 CSR 60-2.040	Traffic and Highway Safety Division		41 MoReg 1695		
7 CSR 60-2.050	Traffic and Highway Safety Division		41 MoReg 1699		
7 CSR 60-2.060	Traffic and Highway Safety Division		41 MoReg 1699		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR	Department of Labor and Industrial Relations				41 MoReg 845
DEPARTMENT OF MENTAL HEALTH					
9 CSR	Department of Mental Health				41 MoReg 845
DEPARTMENT OF NATURAL RESOURCES					
10 CSR	Department of Natural Resources				41 MoReg 845
10 CSR 10-6.250	Air Conservation Commission		40 MoReg 1023	41 MoReg 37	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR	Department of Public Safety				42 MoReg 990
11 CSR 30-16.010	Office of the Director		42 MoReg 180		
11 CSR 30-16.020	Office of the Director		42 MoReg 182		
11 CSR 45-4.020	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-5.053	Missouri Gaming Commission		41 MoReg 1543		
11 CSR 45-9.120	Missouri Gaming Commission		41 MoReg 1544		
11 CSR 75-13.010	Peace Officer Standards and Training Program		42 MoReg 431	42 MoReg 1111	
11 CSR 75-13.060	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-14.030	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-15.010	Peace Officer Standards and Training Program		42 MoReg 432	42 MoReg 1111	
11 CSR 75-15.020	Peace Officer Standards and Training Program		42 MoReg 433 42 MoReg 1031	42 MoReg 1112	
DEPARTMENT OF REVENUE					
12 CSR	Department of Revenue				42 MoReg 990
12 CSR 10-23.600	Director of Revenue		This Issue		
12 CSR 10-26.010	Director of Revenue		42 MoReg 781	This Issue	
12 CSR 30-4.010	State Tax Commission		41 MoReg 160		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR	Department of Social Services				42 MoReg 990
13 CSR 35-32.010	Children's Division		42 MoReg 182R	42 MoReg 981R	
13 CSR 35-32.050	Children's Division		42 MoReg 183	42 MoReg 982	
13 CSR 35-32.060	Children's Division		42 MoReg 185	42 MoReg 982	
13 CSR 35-32.070	Children's Division		42 MoReg 187	42 MoReg 982	
13 CSR 35-32.080	Children's Division		42 MoReg 195	42 MoReg 983W	
13 CSR 35-32.090	Children's Division		42 MoReg 203	42 MoReg 983	
13 CSR 35-32.100	Children's Division		42 MoReg 206	42 MoReg 985	
13 CSR 35-32.110	Children's Division		42 MoReg 206	42 MoReg 985	
13 CSR 35-32.120	Children's Division		42 MoReg 207	42 MoReg 985	
13 CSR 35-32.130	Children's Division		42 MoReg 208	42 MoReg 986	
13 CSR 40-2.030	Family Support Division	42 MoReg 1057	42 MoReg 1072		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 40-8.020	Family Support Division	42 MoReg 1060	42 MoReg 1086		
13 CSR 65-3.050	Missouri Medicaid Audit and Compliance		42 MoReg 781		
13 CSR 70-10.016	MO HealthNet Division	41 MoReg 1054			
13 CSR 70-15.010	MO HealthNet Division	42 MoReg 1061	42 MoReg 1097		
13 CSR 70-15.110	MO HealthNet Division	42 MoReg 1063	42 MoReg 1101		
13 CSR 70-15.220	MO HealthNet Division		42 MoReg 209	42 MoReg 986	
13 CSR 110-2.140	Division of Youth Services		42 MoReg 716		
DEPARTMENT OF CORRECTIONS					
14 CSR	Department of Corrections				42 MoReg 990
ELECTED OFFICIALS					
15 CSR 30-3.010	Secretary of State	42 MoReg 956R	42 MoReg 967R		
15 CSR 30-3.020	Secretary of State	42 MoReg 957	42 MoReg 967		
15 CSR 30-3.030	Secretary of State	42 MoReg 958	42 MoReg 970		
15 CSR 30-3.040	Secretary of State	42 MoReg 958	42 MoReg 970		
15 CSR 30-3.050	Secretary of State	42 MoReg 959	42 MoReg 971		
15 CSR 30-3.100	Secretary of State	42 MoReg 960	42 MoReg 971		
15 CSR 30-100.010	Secretary of State		42 MoReg 782		
15 CSR 30-100.015	Secretary of State		42 MoReg 783		
15 CSR 30-100.020	Secretary of State		42 MoReg 783		
15 CSR 30-100.030	Secretary of State		42 MoReg 784		
15 CSR 30-100.040	Secretary of State		42 MoReg 784R		
15 CSR 30-100.050	Secretary of State		42 MoReg 784R		
15 CSR 30-100.060	Secretary of State		42 MoReg 785		
15 CSR 30-100.070	Secretary of State		42 MoReg 785		
15 CSR 30-100.080	Secretary of State		42 MoReg 786		
15 CSR 40-3.170	State Auditor	42 MoReg 1017	42 MoReg 1031		
15 CSR 40-4.010	State Auditor		42 MoReg 910		
15 CSR 40-4.020	State Auditor		42 MoReg 910		
15 CSR 40-4.030	State Auditor		42 MoReg 911R		
15 CSR 40-4.040	State Auditor		42 MoReg 911R		
15 CSR 60-10.030	Attorney General		42 MoReg 974		
15 CSR 60-16.010	Attorney General		42 MoReg 717		
15 CSR 60-16.020	Attorney General		42 MoReg 718		
15 CSR 60-16.030	Attorney General		42 MoReg 718		
15 CSR 60-16.040	Attorney General		42 MoReg 719		
15 CSR 60-16.050	Attorney General		42 MoReg 719		
RETIREMENT SYSTEMS					
16 CSR 50-2.140	The County Employees' Retirement Fund		42 MoReg 1107		
16 CSR 50-20.120	The County Employees' Retirement Fund		42 MoReg 1107		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-10	Office of the Director				42 MoReg 991
19 CSR 15-8.410	Division of Senior and Disability Services		40 MoReg 131		
19 CSR 30-40.309	Division of Regulation and Licensure	42 MoReg 709	42 MoReg 720		
19 CSR 30-81.030	Division of Regulation and Licensure	This Issue	This Issue		
19 CSR 40-12.010	Division of Maternal, Child and Family Health		42 MoReg 726		
19 CSR 60-50	Missouri Health Facilities Review Committee				42 MoReg 992 42 MoReg 1035 42 MoReg 1113
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Applied Behavior Analysis Maximum Benefit				42 MoReg 321
20 CSR	Construction Claims Binding Arbitration Cap				41 MoReg 1925
20 CSR	Sovereign Immunity Limits				41 MoReg 1925
20 CSR	State Legal Expense Fund Cap				41 MoReg 1925
20 CSR 2015-1.030	Acupuncturist Advisory Committee	42 MoReg 156			
20 CSR 2070-2.090	State Board of Chiropractic Examiners	41 MoReg 1525			
20 CSR 2110-2.001	Missouri Dental Board		42 MoReg 1107		
20 CSR 2110-2.120	Missouri Dental Board		42 MoReg 976		
20 CSR 2197-1.040	Board of Therapeutic Massage	41 MoReg 825			
20 CSR 2200-4.020	State Board of Nursing	42 MoReg 861	42 MoReg 867		
20 CSR 2200-8.001	State Board of Nursing		42 MoReg 786		
20 CSR 2200-8.010	State Board of Nursing		42 MoReg 787		
20 CSR 2200-8.020	State Board of Nursing		42 MoReg 790		
20 CSR 2200-8.030	State Board of Nursing		42 MoReg 790		
20 CSR 2200-8.035	State Board of Nursing		42 MoReg 790		
20 CSR 2200-8.040	State Board of Nursing		42 MoReg 791		
20 CSR 2200-8.050	State Board of Nursing		42 MoReg 791		
20 CSR 2200-8.060	State Board of Nursing		42 MoReg 792		
20 CSR 2200-8.070	State Board of Nursing		42 MoReg 793		
20 CSR 2200-8.080	State Board of Nursing		42 MoReg 794		
20 CSR 2200-8.085	State Board of Nursing		42 MoReg 794		
20 CSR 2200-8.090	State Board of Nursing		42 MoReg 795		
20 CSR 2200-8.100	State Board of Nursing		42 MoReg 795		
20 CSR 2200-8.110	State Board of Nursing		42 MoReg 798		
20 CSR 2200-8.120	State Board of Nursing		42 MoReg 798		
20 CSR 2200-8.130	State Board of Nursing		42 MoReg 799		
20 CSR 2200-8.180	State Board of Nursing		42 MoReg 799		
20 CSR 2220-4.010	State Board of Pharmacy	42 MoReg 710	42 MoReg 729	This Issue	
20 CSR 2230-2.070	State Board of Podiatric Medicine	40 MoReg 1875	42 MoReg 800		
20 CSR 2233-1.040	State Committee of Marital and Family Therapists	42 MoReg 1065	42 MoReg 1108		
20 CSR 2235-1.020	State Committee of Psychologists		42 MoReg 871		

Emergency Rule Table

Agency	Publication	Effective	Expiration
Department of Agriculture			
Animal Health			
2 CSR 30-10.010	Inspection of Meat and Poultry42 MoReg 709	April 3, 2017	Jan. 10, 2018
Department of Revenue			
Director of Revenue			
12 CSR 10-23.600	Complaint, Inspection, and Disciplinary Process for Transportation Network Companies	Next Issue	Aug. 28, 2017Feb. 23, 2018
Department of Higher Education			
Family Support Division			
13 CSR 40-2.030	Definitions Relating to Real and Personal Property42 MoReg 1057	July 1, 2017	Feb. 22, 2018
13 CSR 40-8.020	Ways of Treating Income and Assets42 MoReg 1060	July 1, 2017	Feb. 22, 2018
MO HealthNet Division			
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	Next Issue	Aug. 1, 2017Feb. 22, 2018
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	42 MoReg 1061	July 1, 2017Feb. 22, 2018
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)42 MoReg 1063	July 1, 2017	Feb. 22, 2018
Department of Social Services			
Fertilizer Control Board			
6 CSR 255-1.010	General Organization42 MoReg 955	June 3, 2017	Nov. 29, 2017
6 CSR 255-10.010	Tonnage Fee42 MoReg 955	June 3, 2017	Nov. 29, 2017
6 CSR 255-10.020	Permit Fee42 MoReg 956	June 3, 2017	Nov. 29, 2017
Elected Officials			
Secretary of State			
15 CSR 30-3.010	Voter Identification Affidavit (Res)42 MoReg 956	June 1, 2017	Feb. 22, 2018
15 CSR 30-3.020	Provisional Ballots and Envelopes for Registered Voters under Voter Identification Law	42 MoReg 957	June 1, 2017Feb. 22, 2018
15 CSR 30-3.030	Procedures for Registered Voters Returning to the Polling Place with Identification	42 MoReg 958	June 2, 2017Feb. 22, 2018
15 CSR 30-3.040	Procedures for Identity Verification for Provisional Ballots for Registered Voters under Voter Identification Law, Counting Approved Ballots, and Recordkeeping	42 MoReg 958	June 1, 2017Feb. 22, 2018
15 CSR 30-3.050	Voter Inquiries as to Whether Provisional Ballot for Registered Voter was Counted	42 MoReg 959	June 1, 2017Feb. 22, 2018
15 CSR 30-3.100	Procedures for Obtaining One (1) Copy of Documents Needed to Obtain Free Personal Identification for Voting	42 MoReg 960	June 1, 2017Feb. 22, 2018
State Auditor			
15 CSR 40-3.170	Addendum Filed with the Auditor's Office42 MoReg 1017	June 26, 2017	Dec. 22, 2018
Department of Health and Senior Services			
Division of Regulation and Licensure			
19 CSR 30-40.309	Application and Licensure Requirements Standards for the Licensure and Relicensure of Ground Ambulance Services	42 MoReg 709	March 26, 2017Jan. 3, 2018
19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients and Applicants in Long-Term Care Facilities	This Issue	July 15, 2017Feb. 22, 2018
Department of Insurance, Financial Institutions and Professional Registration			
State Board of Nursing			
20 CSR 2200-4.020	Requirements for Licensure42 MoReg 861	May 9, 2017	Feb. 15, 2018
State Board of Pharmacy			
20 CSR 2220-2.650	Standards of Operation for a Class J: Shared Services Pharmacy	Next Issue	Aug. 6, 2017Feb. 22, 2018
20 CSR 2220-4.010	General Fees42 MoReg 710	April 21, 2017	Dec. 1, 2017
State Committee of Marital and Family Therapists			
20 CSR 2233-1.040	Fees42 MoReg 1065	Aug. 1, 2017	Feb. 22, 2018

**Executive
Orders****Subject Matter****Filed Date****Publication**

2017			
17-19	Directs the Department of Health and Senior Services, the Department of Mental Health, the Department of Public Safety, the Department of Natural Resources, and the Department of Conservation to identify, train, equip, and assess law enforcement and emergency responder efforts to combat to create a combat Missouri's Opioid Public Health Crisis.	July 18, 2017	Next Issue
17-18	Directs the Department of Health and Senior Services to create a prescription drug monitoring program.	July 17, 2017	This Issue
Amended Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	July 6, 2017	This Issue
17-17	Creates the Missouri Justice Reinvest Taskforce to analyze Missouri's corrections system and recommend improvements.	June 28, 2017	42 MoReg 1067
Proclamation	Governor convenes the Second Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding abortions facilities.	June 7, 2017	42 MoReg 1024
Proclamation	Governor convenes the First Extra Session of the First Regular Session of the Ninety-Ninth General Assembly regarding attracting new jobs to Missouri.	May 18, 2017	42 MoReg 1022
17-16	Temporarily grants the Director of the Missouri Department of Revenue discretionary authority to adjust certain rules and regulations.	May 11, 2017	42 MoReg 909
17-15	Temporarily grants the Director of the Missouri Department of Health and Senior Services discretionary authority to adjust certain rules and regulations.	May 8, 2017	42 MoReg 907
17-14	Temporarily grants the Director of the Missouri Department of Natural Resources discretionary authority to adjust certain environmental rules and regulations.	May 4, 2017	42 MoReg 905
17-13	Activates the state militia in response to severe weather that began on April 28, 2017.	April 30, 2017	42 MoReg 865
17-12	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather beginning on April 28, 2017.	April 28, 2017	42 MoReg 863
17-11	Establishes the Boards and Commissions Task Force to recommend comprehensive executive and legislative reform proposals to the governor by October 31, 2017.	April 11, 2017	42 MoReg 779
17-10	Designates members of the governor's staff to have supervisory authority over departments, division, and agencies of state government.	April 7, 2017	42 MoReg 777
17-09	Establishes parental leave for state employees of the executive branch of Missouri state government and encourages other state officials to adopt comparable policies.	March 13, 2017	42 MoReg 429
17-08	Declares a State of Emergency and activates the Missouri State Emergency Operations Plan due to severe weather that began on March 6.	March 7, 2017	42 MoReg 427
17-07	Establishes the Governor's Committee for Simple, Fair, and Low Taxes to recommend proposed reforms to the governor by June 30, 2017.	January 25, 2017	42 MoReg 315
17-06	Orders that the Missouri State Emergency Operations Plan be activated. Further orders state agencies to provide assistance to the maximum extent practicable and directs the Adjutant General to call into service such portions of the organized militia as he deems necessary.	January 12, 2017	42 MoReg 267
17-05	Activates the Missouri State Emergency Operation Center due to severe weather expected to begin on Jan. 12, 2017.	January 11, 2017	42 MoReg 266
17-04	Establishes the position of Chief Operating Officer to report directly to the governor and serve as a member of the governor's executive team.	January 11, 2017	42 MoReg 264
17-03	Orders every state agency to immediately suspend all rulemaking until Feb. 28, 2017, and to complete a review of every regulation under its jurisdiction within the <i>Code of State Regulations</i> by May 31, 2018.	January 10, 2017	42 MoReg 261
17-02	Orders state employees of the executive branch of Missouri state government to follow a specified code of conduct regarding ethics during the Greitens administration.	January 9, 2017	42 MoReg 258
17-01	Rescinds Executive Orders 07-10, 88-26, 98-15, and 05-40 regarding the Governor's Advisory Council on Physical Fitness and Health and the Missouri State Park Advisory Board.	January 6, 2017	42 MoReg 257

**Executive
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Subject Matter

Filed Date

Publication

2016

16-10	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2020.	December 30, 2016	42 MoReg 159
16-09	Advises that state offices in Cole County will be closed on Monday January 9, 2017.	December 23, 2016	42 MoReg 158
16-08	Advises that state offices will be closed on Friday, November 25, 2016.	October 24, 2016	41 MoReg 1659
16-07	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153

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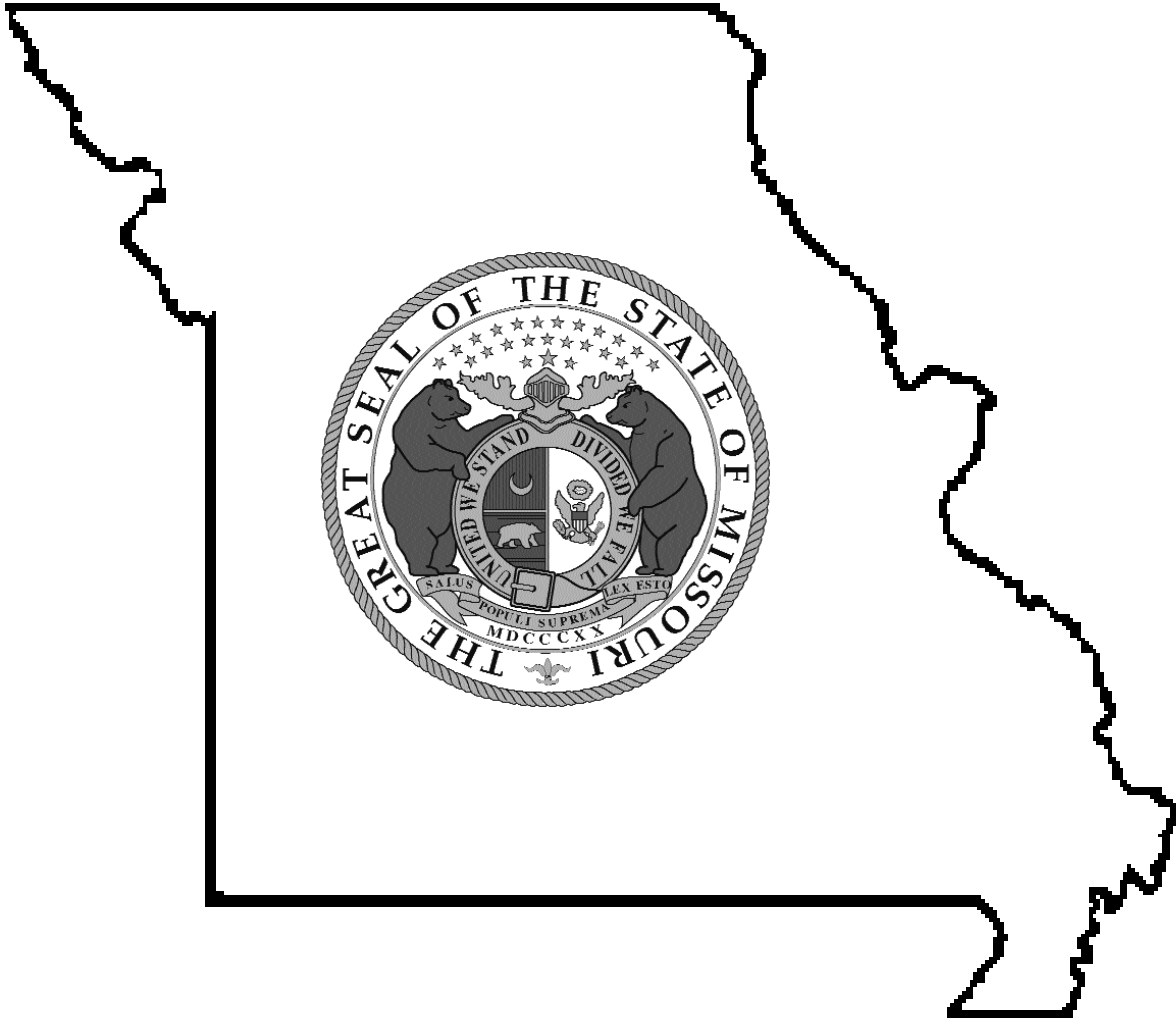
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